REEL 11

START

MICROFILMED 2015

For: Leo Baeck Institute
15 West 16th Street
New York, NY 10011

FILMING POSITION: IB

REDUCTION RATIO: 12X

DATE FILMING BEGAN: 8/11/15

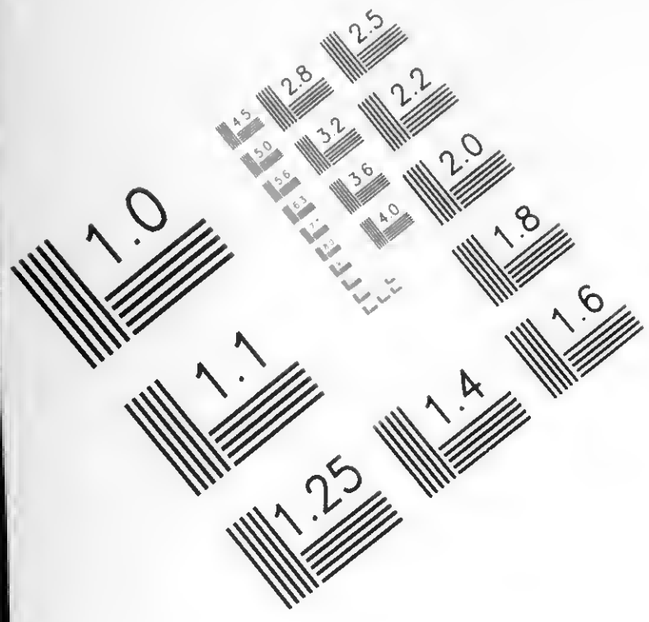
TECHNICIAN: Theresa Jones

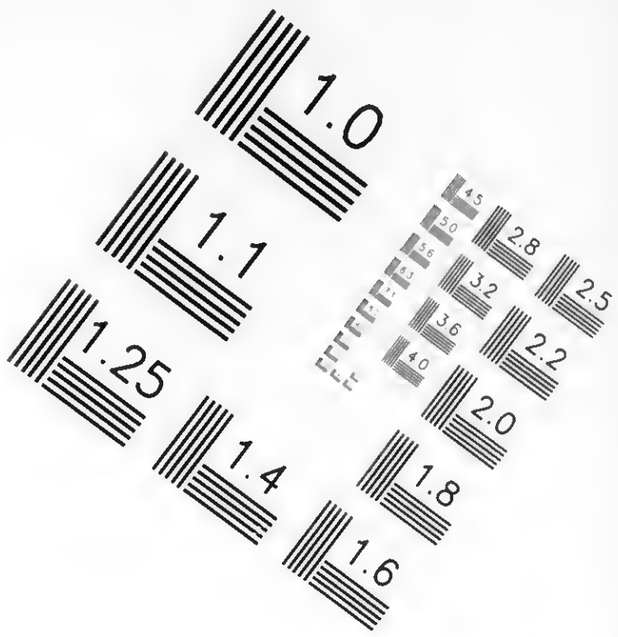
HUDSON ARCHIVAL©

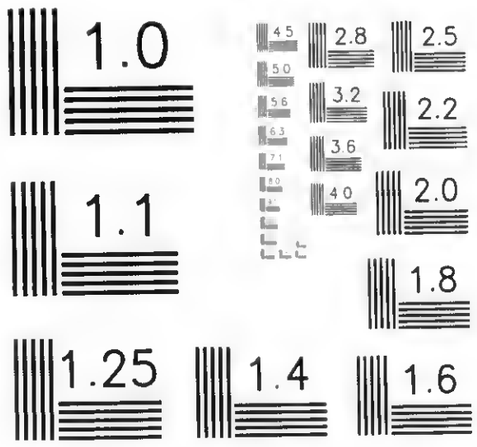
WE HAVE A PASSION FOR PRESERVATION.

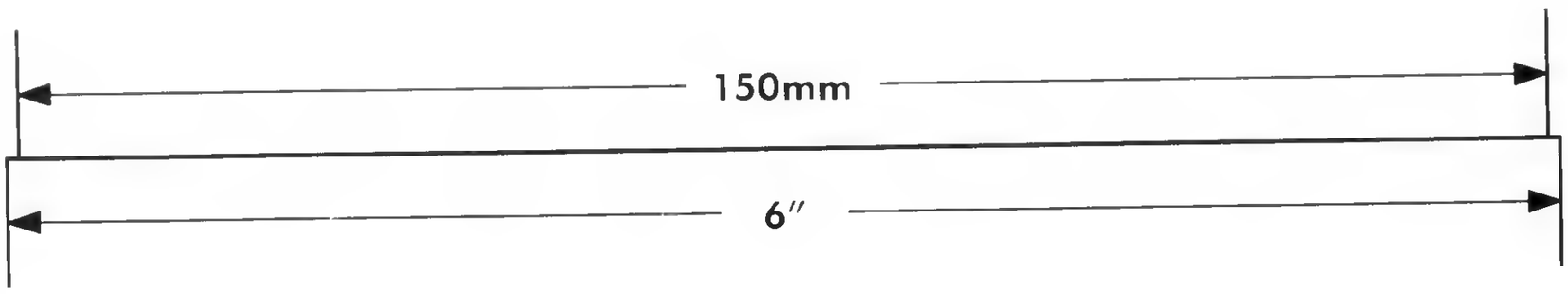
845 338.5785 . HUDSONARCHIVAL.COM . PO BOX 640, PORT EWEN, NY 12466

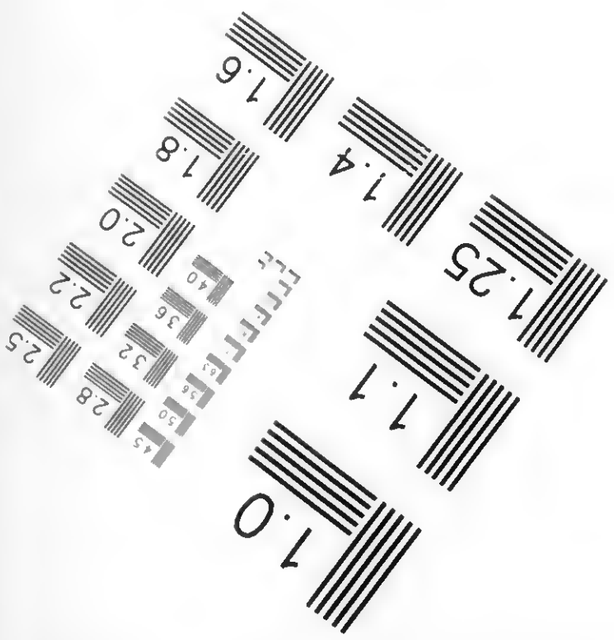
IMAGE EVALUATION
TEST TARGET (QA-3)







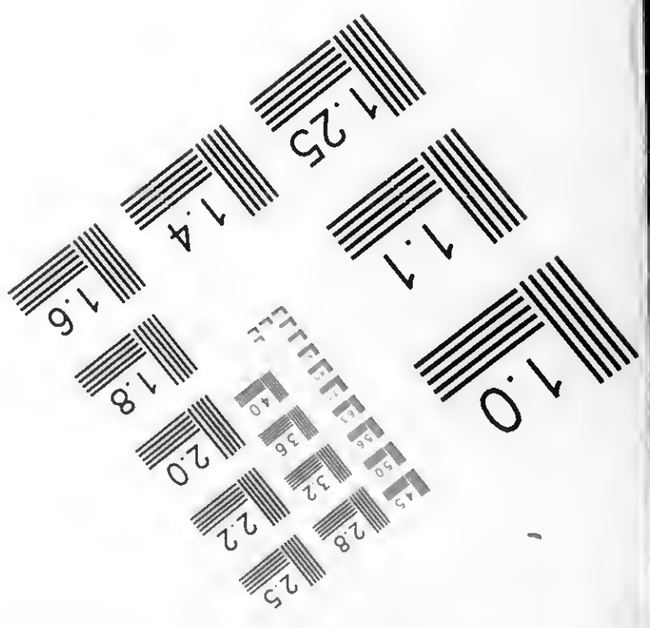




APPLIED ®
IMAGE
Group-
IMAGING

1653 East Main Street
Rochester, NY 14609 USA
Voice (585) 482-0300
Fax (585) 288-5989

© 2003, APPLIED IMAGE, Inc., All Rights Reserved Rev 1 00



COPYRIGHT STATEMENT

The copyright law of the United States – Title 17, United States Code - concerns the making of photocopies or other reproductions of copyrighted material.

Under certain conditions specified in the law, libraries and archives are authorized to furnish a photocopy or other reproduction. One of these specified conditions is that the photocopy or reproduction is not to be "used for any purpose other than private study, scholarship, or research." If a user makes a request for, or later uses, a photocopy or reproduction for purposes in excess of 'fair use', that user may be liable for copyright infringement.

This institution reserves the right to refuse to accept a copy order if, in its judgment, fulfillment of the order would involve violation of the copyright law.

Guide to the Papers of the Rahn Family 1809-2010

AR 25538

Processed by Dianne Ritchey

Leo Baeck Institute
Center for Jewish History
15 West 16th Street
New York, N.Y. 10011
Phone: (212) 744-6400
Fax: (212) 988-1305
Email: lbaeck@lbi.cjh.org
URL: http://www.lbi.org

© 2015 Leo Baeck Institute. All rights reserved.

Center for Jewish History, Publisher.

Electronic finding aid was encoded in EAD 2002 by on February 25, 2015. Description is in English.

Descriptive Summary

Creator:	Rahn Megerman, Evelyn
Title:	Rahn Family Collection
Dates:	1809-2010
Dates:	bulk 1928-1960

Abstract: The Rahn Family Collection centers on the lives of Alfred and Lilli (née Bechmann) Rahn, but also contains many documents of their parents, siblings, and even more distant family members. It also documents the family members' attempts to receive restitution for their losses. The collection includes a large amount of correspondence, official, personal, and legal documents, photographs and photo albums, financial documentation, manuscripts and fragments of creative and academic writing, family trees and genealogical notes, newspaper clippings, poetry, educational certificates and diplomas, texts of lectures, teaching materials, a few recipes, and other papers.

Languages: The collection is primarily in German, English, and Swedish, with small amounts of Hebrew and French.

Quantity: 6.75 linear feet + 4 oversized folders.

Identification: AR 25538

Repository: Leo Baeck Institute

Biographical Note

On January 28, 1901 Alfred Hermann Rahn was born in Fürth, Germany to Sidney and Johanna (née Goldmann) Rahn. Sidney Rahn owned the family metalworks business, M.S. Farrnbacher. The firm had been in the family for generations, originally owned by members of Sidney Rahn's mother's family, the Farrnbachers, and produced iron and metal products. The Rahn family lived upstairs from the metalworks. Alfred had an older brother, James, who was hydrocephalic, and a younger brother, Max. After attending Heinrich Schliemann Gymnasium (high school), and working in a bank and an accounting position, Alfred Rahn joined the family business in 1928. When his father died two years later, Alfred led the firm.

Lilli Bechmann was the daughter of the businessman Hugo Bechmann and his wife Ida Bechmann (née Metzger) and was born in Fürth on February 10, 1911. Hugo Bechmann was the owner of a mirror glass factory, founded in the 1840s as W. Bechmann, but renamed under Hugo Bechmann as the Bayerische Spiegel- und Spiegelglass Fabriken AG (Bavarian Mirror and Mirror Glass Factories AG). After completing the Städtisches Mädchenlyzeum (high school) Lilli Bechmann spent one year in Geneva at a finishing school before returning to Fürth for one year at the Oberrrealschule so she could attend university. Beginning in May 1930, she attended the universities of Freiburg, Berlin, Vienna, and Erlangen, studying philosophy, history of philosophy, theatre, and the history of theatre. In 1934 she received her doctoral diploma in philosophy from the University of Erlangen with the dissertation *Der Darmstädter Freundeskreis. Ein Beitrag zum Verständnis der empfindsamen Seelenhaltung des 18. Jahrhunderts* (The Darmstadt Circle of Friends. A Contribution to the Comprehension of the Sentimental Conception of Soul of the Eighteenth Century). In addition to her academic interests she often wrote poetry. From 1934-1936 she reorganized the library of the Jewish Community of Fürth.

At some point around 1929 Lilli Bechmann met Alfred Rahn. They both shared a love of the outdoors, and frequently went hiking and skiing in the mountains and wrote each other often when separated. Due to the hereditary illness of Alfred's brother James, who was born hydrocephalic and suffered from schizophrenia, the couple, and especially Alfred, had reservations about marrying and having children. However, on July 3, 1933, they did marry and three years later their first daughter, Ruth Marion, was born.

In 1935 Alfred Rahn travelled with his mother to New York in order to determine if the family ought to leave Germany; his brother Max already was living in the United States and was now an American citizen residing in Puerto Rico, where he worked for a cigar business. However, believing that the difficulties for Jews in Germany wouldn't last and reluctant to sell a family business of generations, they decided against leaving. By the summer of 1937 the Rahns had changed their minds and sold M.S. Farrnbacher to an Aryan business by November. With the help of Max Rahn they received visas for America in November 1937 and planned to leave Germany at the end of December. However, the Nazi approval for the sale of M.S. Farrnbacher never occurred, and on December 25, 1937 Alfred Rahn was arrested for attempting to hide funds. The following month he was sentenced to fourteen months in prison.

While Alfred Rahn remained in prison in Nuremberg, Lilli Rahn began efforts to secure the family's immigration visas, which otherwise would expire in March 1938. Although at first having been informed that their visas would be extended, the consul revoked Alfred Rahn's visa due to a claim of moral turpitude. Max Rahn went to Washington, D.C. to advocate his brother's case and on December 31, 1938, the Attorney General, Homer Cummings, intervened, deciding in favor of Alfred Rahn. Two days after Alfred Rahn was released from prison the family, including Ruth's nurse, Helen Lorz, received new American visas. After a brief stay in Paris, the Rahns left for America, arriving on April 15, 1939 in New York.

After exploring conditions in New York, Alfred and Lilli left Ruth with her grandmother (Johanna Rahn) and her nurse in New York and left to find a location that would suit the family better. They arrived in Denver, Colorado, in July 1939. Although they knew no one in Denver, the location and the mountains reminded them of the mountainous areas of Bavaria they had left behind and they decided to stay. Alfred found a job, and eventually bought the John S. Worthington Company, a firm that produced roofing and steel products. After the war he became sales manager for Continental Steel and Penn Metal Company. From 1942-1944 Lilli Rahn taught at Denver University, giving courses in the history of the theater and in German, teaching the latter as part of the Army Specialized Training Program (ASTP). On January 21, 1945 Alfred and Lilli Rahn's second daughter, Evelyn, was born.

In April 1945 Alfred and Lilli Rahn were successful in bringing Ida Bechmann, Lilli's mother, to the United States from Sweden, where she had spent the war and where her husband Hugo Bechmann had died. She later changed her surname to Beckman. After staying with the Rahns for a short while she decided to find a job and live on her own, even though she had spent her life in a well-to-do family with servants and had never worked before. She eventually found a position in the dietary kitchens of the National Jewish Hospital in Denver. Ida Bechmann died in 1978. Alfred Rahn's mother, Johanna Rahn, had arrived in the United States in October 1938. She also lived with the Rahn family in Denver for a time, but later moved to a home for the elderly. Johanna Rahn died in 1965; her husband Sidney had died in 1930 in Fürth.

Shortly after her arrival in Denver, Lilli Rahn joined the Jewish women's organization Hadassah. She became president of the Denver Chapter, and later National Vice-President of the organization. She also was a member of its National Board. She chaired several Hadassah committees and travelled to Israel multiple times between 1954 and 1968 as Hadassah's representative.

Beginning in 1959, Lilli Rahn also began a fight against cancer. Over the next eleven years she had surgeries to combat it, but after a skiing accident

in April 1970 it was discovered that the cancer had metastasized. She died on December 27, 1970. The following day Alfred Rahn committed suicide, unable to live without his Lilli.

After their parents' death, Ruth and Evelyn gave funds to Hadassah Hospital in Alfred and Lilli Rahn's honor, with a plaque commemorating them and in 1995 established a scholarship at the Hadassah College of Technology in their names. In 1999 the philosophy department of the University of Erlangen established the Lilli Bechmann-Rahn Prize to be given annually to the best doctoral dissertation. In 2012 Ruth Rahn Budd published the book *From Generation to Generation: a Family Story*.

Scope and Content Note

The Rahn Family Collection consists of documents assembled in the creation of Ruth Rahn Budd's family narrative, the book *From Generation to Generation: a Family Story*. Like the book, the documents center around the lives of Alfred and Lilli (née Bechmann) Rahn, but also contain many documents of their parents, siblings, and even more distant family. The collection also documents the family members' attempts to receive restitution for their losses. The collection includes a large amount of correspondence, official, personal, and legal documents, photographs and photo albums, financial documentation, manuscripts and fragments of creative and academic writing, family trees and genealogical notes, newspaper clippings, poetry, educational certificates and diplomas, texts of lectures, teaching materials, a few recipes, and other papers.

The life of Alfred Rahn is one prominent topic of this collection. The first subseries of Series I opens with a folder of his courtship correspondence with Lilli Bechmann, his later wife, depicting their initial conversations with each other. In the second subseries of Series I will be found extensive documentation of the trial of Alfred Rahn for incorrectly reporting financial information prior to the family's planned emigration, and his eventual imprisonment in a prison in Nuremberg. His letters home to his wife Lilli will be found among the correspondence of the first subseries, with description of his days in incarceration, and a few reflections on his regrets of this time. A small amount of correspondence and personal papers in Series I document his later life in Denver, as well as some of the photographs in Series IV.

Lilli Rahn's experiences will similarly be found primarily in Series I. Several folders of her courtship letters to Alfred Rahn are located there, and in Subseries 2 of Series I are examples of her early creative writing, including poetry for Alfred Rahn, along with short stories and essays. Academic essays and manuscripts of longer papers created during her pursuit of her doctoral degree will also be found in Subseries 2. Series I additionally holds a small amount of her correspondence with friends, an autobiographical essay that includes description of her experiences while Alfred was in prison, and material from her time teaching American soldiers German at the University of Denver during the 1940s. A small amount of papers, especially newspaper clippings, relate to her work with the Denver chapter of Hadassah. Subseries 3 additionally holds some documentation of the Rahn family's immigration experiences as well as of the Lilli Bechmann-Rahn prize established at the University of Erlangen in the 1990s.

Series II focuses on the Rahn and Bechmann families, and holds the papers of the parents and siblings of Alfred and Lilli Rahn as well as of more distant cousins, grandparents, and other family members. In addition, this series contains documents that relate to the M.S. Farrnbacher firm established by the Farrnbacher family and which passed eventually to the Rahn family, and of the Bechmann family's mirror glass factory. Deaths and marriages of

family members are also documented, and Series II also includes several folders of family trees and genealogical research.

The restitution efforts of various family members is located in Series III, especially focusing on restitution for Alfred and Lilli Rahn, Johanna Rahn, and Ida Bechmann, but also including Max Rahn. The copious amount of restitution documentation consists of many letters with lawyers, requesting assistance or clarification, along with related documentation required by German government agencies. This documentation provides further evidence of the family's immigration experiences as well as of the properties and possessions owned by them prior to their emigration. This series also documents the family's finances.

The final series of the collection, Series IV, holds many loose photographs and photo albums in addition to a few glass negatives and some vacation slides. The photographs depict many of the individuals and family groups represented in this collection as well as showing some of their homes, vacations, and trips.

Arrangement

The collection is arranged in four series in the following manner:

Series I: Alfred and Lilli Rahn Family, 1902-2010
- Subseries 1: Correspondence , 1929-1960, 1980-2006
- Subseries 2: Family Papers, 1902-2010

Series II: Papers of Other Family Members, 1809-2004
- Subseries 1: Rahn and Related Families, 1818-1859, 2001
- Subseries 2: Bechmann and Related Families, 1809-2002
- Subseries 3: General and Unidentified Family, 1895-2004

Series III: Restitution and Financial Papers, 1928-1978
Series IV: Visual Material, 1800s-1971

Access and Use

Access Restrictions

Open to researchers.

Access Information

Readers may access the collection by visiting the Lillian Goldman Reading Room at the Center for Jewish History. We recommend reserving the collection in advance; please visit the LBI Online Catalog and click on the "Reserve" button.

Use Restrictions

There may be some restrictions on the use of the collection. For more information, contact:
Leo Baeck Institute, Center for Jewish History, 15 West 16th Street, New York, NY 10011
email: lbaeck@lbi.cjh.org

Access Points

Click on a subject to search that term in the Center's catalog.

Individuals:

Bechmann Family

Bechmann, Ida, 1888-1978
Bierer, Walter, 1912-2000
Budd, Ruth R.
Rahn Family
Rahn, Johanna
Rahn, Alfred, 1901-1970
Rahn, Lilli, 1911-1970

Organizations:

Bayerische Spiegel- und Spiegelglasfabriken AG
Hadassah, the Women's Zionist Organization of America
M.S. Farrnbacher

Subjects:

Courtship
Holocaust, Jewish (1939-1945)
Jewish families
Jews--Genealogy
Love-letters
Prisoners--Germany.
Restitution

Places:

Denver (Colo.)
England
Fürth (Bavaria, Germany)
Italy
Nuremberg (Germany)
United States--Emigration and immigration

Document Types:

Articles
Certificates
Clippings (information artifacts)
Correspondence
Financial records
Legal documents
Notes
Official documents
Photograph albums
Photographs
Poems

Related Material

The LBI Library contains the book *From Generation to Generation: a Family Story* by Ruth Rahn Budd (st 6165).

The LBI Archives holds the Tuchmann Family Collection, which includes a memoir by Walter Bierer (AR 1401). The LBI Archives also contain Doris Metzger's memoir "Our Lives" (ME 1044).

Separated Material

A copy of the book *From Generation to Generation: a Family Story* was removed to the LBI Library. Books of poetry featuring poems by Lilli Rahn were removed to the LBI Library, with copies of the poems and the books' titles retained in the archival collection. Also removed to the LBI Library were two copies of Lilli Rahn's published dissertation, *Der Darmstädter*

Freundeskreis. Ein Beitrag zum Verständnis der empfindsamen Seelenhaltung des 18. Jahrhunderts. A tourist publication on Erlangen and duplicate published illustrations of Fürth were also removed from the archival collection to the LBI Library. Three framed oil paintings and a wooden fan have been removed to the LBI Art and Objects Collection.

Preferred Citation

Published citations should take the following form:

Identification of item, date (if known); Rahn Family Collection; AR 25538; box number; folder number; Leo Baeck Institute.

Processing Information

Since the archival collection had little original order, series and subseries were established during processing of the collection. Basic preservation actions were also undertaken at this time.

Container List

Series I: Alfred and Lilli Rahn Family, 1902-2010

This series is in German and English.

2.5 linear feet.

Arrangement:
Divided into two subseries in the following manner:

Subseries 1: Correspondence
Subseries 2: Family Papers

Scope and Content:
Series I contains the correspondence and personal papers of Alfred and Lilli Rahn and of their eldest daughter, Ruth. In addition to correspondence it includes educational certificates and diplomas, manuscripts, official documents, legal documents, teaching materials, travel diaries, autobiographies, essays, short stories, poetry, newspaper clippings, and other materials.

The series covers various topics that affected the lives of the Rahns, most prominent among them the development of their early relationship, Alfred's time in prison, and their careers and education. Alfred and Lilli Rahn's courtship can be found in their exchange of letters in Subseries 1, which also provides some details of their daily lives at this point. Mentioned in the letters of 1932 is a trip Lilli Rahn took to Russia, which is also documented in her travel diary of Subseries 2.

Alfred Rahn's sentencing and time in prison is also documented in several places within this series. His letters home to Lilli Rahn from prison will be found in Subseries 1, including translations and summaries of the letters. In Subseries 2 will be found copies of the legal documentation of his trial, also translated, along with copies of Nuremberg Police Records pertaining to him and newspaper clippings about the trial. Lilli Rahn's autobiography, also in Subseries 2, includes details of her life during his imprisonment.

Material relating to the family's immigration can be found throughout this series. The preparation for the family's emigration from Germany was interrupted by Alfred Rahn's prison term, therefore it is occasionally mentioned in his letters to Lilli in Subseries 1. His later correspondence to family members, former associates, and friends also mentions their immigration, as does some of Lilli's correspondence.

Subseries 3 contains an accumulation of research material by Ruth Rahn Budd on Homer Cummings, the Attorney General of the United States whose permission allowed Alfred Rahn to receive an American visa in spite of his prison term.

Subseries 1: Correspondence , 1929-1960, 1980-2006

This subseries is in German and English.

0.75 linear feet.

Arrangement:

This subseries is divided in the following manner:

A)Between Alfred and Lilli Rahn
B) Alfred Rahn
C) Lilli Rahn
D) Ruth Rahn Budd
E) Other Correspondence

Scope and Content:

Subseries 1 holds the correspondence of members of the Rahn family, including Alfred and Lilli Rahn and their daughter Ruth Rahn Budd. Correspondence includes personal letters between family members as well as letters with friends, business associates, and others.

The first section of this subseries consists of the letters exchanged between Alfred and Lilli (née Bechmann) Rahn. These letters consist of those sent prior to their marriage and while Alfred Rahn was incarcerated from 1938-1939. The couple often used nicknames and endearments with each other: Lilli often called Alfred Micky, Mickylein, Peterle; he often called her Schlumpsi, Mutzilein, or Butzi, although both also played with the nicknames so that variations on these may also be seen. They also signed their letters with their nicknames. Correspondence from before their marriage often contains daily news of their activities as well as some discussion of their developing relationship. Although there is only one folder of Alfred's letters to Lilli, there are many letters from Lilli to Alfred. Letters from 1932 reference Lilli's trip to Russia and mention her observations on the experience. Included among Lilli's letters to Alfred is one to her friend Blanche where Lilli debated the decision to marry Alfred.

Letters sent while Alfred was in prison consist primarily of his letters to Lilli, but also include some from her. Alfred's letters mention his experiences in prison, although without many details, and also discuss decisions regarding the sale of the family business. Some letters discuss his language studies or books he read, including the Bible and foreign language texts. Others reflect his dismay at missing his daughter's Ruth's early years and for having caused difficulties for Lilli, and his worries about her health. Notable is the fact that the letters do not discuss events in Germany at this time, such as Kristallnacht. The prison letters also include translations and a summary of their contents.

Alfred's later correspondence with others consists of some chronologically-arranged correspondence as well as letters with friends and colleagues. Among the chronological files is his 1941 letter to the Office of Production

Management, which advises this department on his ideas for more efficient collection of scrap material for the American war effort. Other letters in these folders include Walter Bierer's reports on postwar Germany, including descriptions of Fürth, former family property, and care of family graves. Correspondence with former associates in Germany (1/15) include letters from Hofmockel, a trustee and former employee of the sold M.S. Farrnbacher firm, as well as correspondence regarding Alfred's initial efforts in seeking restitution for the loss of this business. Correspondence to Johanna Rahn provides brief descriptions of Alfred Rahn's prison term and the family's emigration preparations. Ernst Rosenbluth was a friend of Alfred's who immigrated from Germany to Sweden and eventually to Canada; their correspondence mentions the condition of postwar Sweden and outline Alfred Rahn's opinions on the future of the American economy.

A smaller amount of correspondence of Lilli Rahn is present in this subseries. Correspondence with Hadassah includes congratulations to Lilli Rahn for her election as vice-president of the Denver chapter of the organization as well as a few letters relating to her work in Hadassah. Correspondence with her distant cousin and friend Ilse Sadler (1/20) gives information on the Rahns' immigration experiences and their first years in the United States, Ilse's opinions on the United States, and information on Lilli's wartime work. Some letters discuss Zionism and Theodor Herzl. Another folder holds correspondence between the University of Denver and Lilli Rahn, much of it focusing on Lilli's teaching of German as part of the Army Specialized Training Program (ASTP).

Ruth Rahn Budd's correspondence includes later letters pertinent to the family. The earlier correspondence includes letters from her uncle Max Rahn and her grandmother Ida Beckman (in the folder "Other Correspondence") relating to a trip Ruth planned to Germany, and Fürth. Max Rahn's letter includes some information on the building that housed the firm M.S. Farrnbacher and the use of the family's residential space in the same building.

"Other Correspondence" includes correspondence of other family members. The folder of family members' correspondence (1/28) largely contains news and updates on family. Max Rahn's correspondence focuses on his professional work and positions with the tobacco companies he worked for, H. Duys & Co. of Havana, Cuba, and General Cigar Co. of Puerto Rico. Max's correspondence also includes letters with family, with news and information on the initial steps in restitution efforts. A May 20, 1946 letter mentions the properties owned by Alfred Rahn, including those which were sold, while a November 28, 1945 letter details the properties owned by Max Rahn for which he intended restitution.

A) Between Alfred and Lilli Rahn

Box	Folder	Title	Date
1	1	Alfred Rahn to Lilli Bechmann	1929-1932
1	2	Lilli Bechmann to Alfred Rahn	1930 May-1930 September
1	3	Lilli Bechmann to Alfred Rahn	1930 October-1930 December
1	4	Lilli Bechmann to Alfred Rahn	1931 January-1931 March
1	5	Lilli Bechmann to Alfred Rahn	1931 April-1931 June

1	6	Lilli Bechmann to Alfred Rahn	1931 July-1931 August
1	7	Lilli Bechmann to Alfred Rahn	1931 September-1931 December
1	8	Lilli Bechmann to Alfred Rahn	1932 January-1932 May
1	9	Lilli Bechmann to Alfred Rahn	1932 June-1932 October
1	10	Prison Letters	1938-1939
1	11	Prison Letters – Translations	1937-1939, 1994
1	12	Prison Letters – Translations with Corrections	1938-1939, 1995-1998

B) Alfred Rahn

Box	Folder	Title	Date
1	13	Chronological	undated, 1939-1945, 1998
1	14	Chronological	1946-1960
1	15	Correspondence with former friends and business associates in Germany	1946-1955
1	16	Johanna Rahn	1939
1	17	Rosenbluth, Ernst	1945-1952
1	18	Twentieth Anniversary of Arrival in United States	1959

C) Lilli Rahn

Box	Folder	Title	Date
1	19	Hadassah	1954-1956
1	20	Ilse Sadler	1946-1953, 1980
1	21	University of Denver – German Instruction	1939-1944

D) Ruth Rahn Budd

Box	Folder	Title	Date
1	22	Anjeana Hans – Translations	1998
1	23	Fürth Holocaust Memorial	1996-1998, 2004-2006
1	24	Lilli Bechmann-Rahn Prize at Friedrich-Alexander-University Erlangen-Nürnberg	1998-1999
1	25	Max Rahn	1973
1	26	Other Correspondence	1973, 1991-2009
1	27	Walter Ley	1999

E) Other Correspondence

Box	Folder	Titie	Date
1	28	Family Members and Friends	1946, 1968-1969
1	29	Family Members – Max Rahn	1944-1953
1	30	Family Members – Walter Bierer	1945-1946

Subseries 2: Family Papers, 1902-2010

This subseries is in German and English.

1.75 linear feet.

Arrangement:
This subseries is divided in the following manner:

A) Alfred Rahn
B) Lilli Rahn
  a) Papers
  b) Writings
C) General and Other Family Papers

Scope and Content:
Subseries 2 contains the family papers and official documents of members of the Alfred and Lilli Rahn family.

A few folders of papers of Alfred Rahn pertain to his education and profession. These include certificates from his Gymnasium (high school) and trade school, or professional papers such as his curriculum vitae. With the curriculum vitae are also letters of reference. Papers relating to the M.S. Farrnbacher firm (1/35) contain translations of papers related to the firm, including of the sale of the firm to Otto Schulte-Wassermann and Hans Terberger in 1937. Other papers in this folder include some professional papers of Alfred Rahn and documents relating to his entrance into the firm, as well as on the death of Sidney Rahn. Another folder (2/2) contains copies of immigration documentation as well as an essay by Alfred Rahn on the events of their immigration, including the intervention of U.S. Attorney General Homer Cummings in his visa case.

Several folders pertain to Alfred Rahn's sentencing and time in prison. The folder "Nuremberg Police Records," which consists of translations and photocopies of the records, mention his prison term along with many documents related to the family's immigration, procuring of passports, and a few documents on a traffic accident in 1929. Folders on the trial and judgement of Alfred Rahn include legal documents as well as newspaper clippings on it, and a letter from Alfred to his mother announcing his release. Included is an English translation of the judgement. One later letter by lawyer Ruth Rahn Budd references her father's trial.

Lilli Rahn's documentation in this subseries consists of personal papers and writings, both personal and academic. Her personal papers include academic certificates and diplomas from school and university, an album amoricum (friendship book). A book and notes on the early years of her daughter, Ruth Marion, contains descriptions of Ruth's first experiences and words. Wartime documents include some papers of Alfred's as well, and show Lilli's training as a convoy driver and work for the Red Cross and Alfred's participation in the civilian defense auxilliary. Also documented is Lilli's work teaching German and area studies as part of the Army Specialized Training Program, with notes and analyses of her students, course teaching materials, and a German-language army newsletter. Also present are many newspaper clippings that feature Lilli Rahn, highlighting her work with the organization Hadassah.

The writing of Lilli Rahn is composed of both academic and creative writing. Included is her dissertation and other essays and academic papers written during her university years. Notable is an autobiography, which tells of some of her experiences while Alfred Rahn was imprisoned, focusing on the events of Kristallnacht and its aftermath, when she volunteered at the Jewish Hospital to help the wounded and those who had attempted suicide. The autobiography also outlines the Rahns' reasons for not having emigrated in 1935, chief among them their reluctance to lose a business that had existed for over one hundred years with multiple generations of employees working there and a long-standing customer base. Her diary

from 1929 describes her first meetings with Alfred Rahn, with discussion of their early interactions and her feelings about him. Lilli's writing also encompasses many poems, including love poems written for Alfred. In the folder "Manuscripts and Fragments" is a small notebook with an outline and the initial pages of a novel, possibly the same novel she discussed in a letter to Alfred in November 1930. Her confirmation (Einsegnung) notebook holds handwritten text with reflections on Judaism, including on monotheism, basic teachings, the relationship of man and Israel to God, the revelation at Mount Sinai, the Prophets, and the Jewish duty toward God. Travel diaries include a diary from her 1932 trip to Russia to study Russian theater; this diary comments on the Revolution theater and discusses the Bolshevik Revolution and how it affected the state theater. It also includes notes on the history of theater buildings in Russia since the revolution. An earlier travel diary holds notes on a trip to Austria in the 1920s. Two folders, Writings and Letters, held a mixture of creative writing and many letters from Lilli to two individuals who seem to have been close friends, Blanche and Resi. The creative writing consists of short fairy tales, skits, aphorisms, and short essays. The letters, which date from the late 1920s, ruminate in detail on Lilli's difficulties and relationships with others, along with many other topics.

General and Other Family Papers contains papers pertaining to Alfred and Lilli Rahn's family in general. These papers include a few documents relating to their marriage, such as their marriage certificate. Several folders hold papers related to the family's immigration, including a detailed list of their household items from 1939, copies and translations of immigration documents, and information and assembled research on Homer Cummings and Alfred Rahn's visa case. One folder holds many lectures on diverse topics given by both Alfred and Lilli Rahn, these include Thanksgiving lecture given both Lilli and Alfred where they express their gratitude at having found a new home in the United States. Other lectures include talks by Lilli on the theater in Soviet Russia, including its actors' training in biomechanics, her lecture on the Jews of Tripoli, and a talk on Jewish life in Germany. More general material includes informational material on Fürth, including material on its Jewish community and the organization of a memorial to its Holocaust victims. Information on the photographer Roman Vishnac is here as well, and includes two photos of Ruth Marion Rahn with other children. Other papers include a number of certificates of donations, many to Hadassah, for the speedy recovery of Lilli in her final year, as well as in memory of Lilli and Alfred Rahn after their passing. A sketch of their grave and a letter about a later donation to Hadassah's College of Technology is also present, as is documentation on the Lilli Bechmann-Rahn prize established at the University of Erlangen.

A) Alfred Rahn

Box	Folder	Title	Date
1	31	Archival Documents from Fürth	1940
1	32	Curricula Vitae and Essay	1939?-1940s?
1	33	Educational Papers and Certificates	1915-1920
1	34	German Laws and Ordinances	1939
1	35	M.S. Farrnbacher Firm - with translations	1908-1937, 1998
1	36	Notebook – Contacts and Employment Possibilities	1939 May-1939 August
1	37	Nuremberg Police Records – with translations	1924-1940, 1998

Box	Folder	Title	Date

2	1	Official and Identification Papers	1902-1945
2	2	Prison and Immigration Experiences – Translated Correspondence and Personal Essay	1939-1940s
2	3	Trial and Judgment of Alfred Rahn – Legal Documentation	1937-1938
2	4	Trial and Judgment of Alfred Rahn – Newspaper Clippings	1938
2	5	Trial and Judgment of Alfred Rahn – Related Correspondence and Documentation	1937-1939, 2000

B) Lilli Rahn

a) Papers

Box	Folder	Title	Date
2	6	Album Amoricum	1920-1921
2	7	Army Specialized Training Program (ASTP) – German Course Instruction	1943-1944
2	8	Army Specialized Training Program (ASTP) Material	1941-1944
2	9	Educational Papers – School	1917-1930
2	10	Educational Papers – University	1930-1934, 2001
Box	**Folder**	**Title**	**Date**
OSL		Educational Papers – Diplomas – Oversized	1930, 1934
2	11	Newspaper Clippings – Hadassah	1950-1973
2	12	Newspaper Clippings – Israel	1956-1959
2	13	Newspaper Clippings – Other Topics and Memorabilia	1933, 1948-1967
2	14	Official and Professional Papers	1912-1940s?
2	15	Ruth Marion Rahn's Diary (Baby diary with partial translation)	1936-1937
2	16	Ruth Marion Rahn's Early Years	undated, 1936
2	17	Wartime Documents	1942-1947

b) Writings

Box	Folder	Title	Date
2	18	Autobiographical Notes with Research Material	undated, 2007-2008
2	19	Diary	1929
2	20	Dissertation (and translation of summary)	1938, 1997
2	21	Essays, Notes and Short Stories	undated, 1938-1940s
2	22	Manuscript – Die Nürnberger Nationalschaubühne	1932
2	23	Manuscripts and Fragments	undated, 1924-1930
2	24	Notebook – Confirmation (Einsegnung)	1925 May
2	25	Notebooks – Plays and Poems	1921-1924
2	26	Notebooks – Poems	1923-1929

2	27	Poems	1924-1938
2	28	Poems	undated, 1926-1931, 1954-1965, 1998
2	28	Travel Diaries	1926-1928, 1932

Box	Folder	Title	Date
3	1	University Papers and Essays	undated, 1931-1933
3	2	Writings and Letters	1926-1931
3	3	Writings and Letters – Letters to Blanche and Resi	1926-1930

C) General and Other Family Papers

Box	Folder	Title	Date
3	4	Books and Journals Removed from Collection	undated, 1930-2010
3	5	Certificates – Memorials/ Charitable Gifts	1962-1970

Box	Folder	Title	Date
OSL 51		Certificates – Awards, Charitable Gifts, and Memorials – Oversized	undated, after 1970

Box	Folder	Title	Date
3	6	Donations, Memorials, and Graves – Correspondence and Notes	1971-1995
3	7	Fürth – General Information and Tourism	1995-2007

Box	Folder	Title	Date
OS 163		Fürth – Illustrations and City Map	undated

Box	Folder	Title	Date
3	8	Fürth – Jewish Community and Cemetery	1996-2006
3	9	Homer Cummings and his Aid to Rahn Family	1938, 1989-2002
3	10	Immigration Correspondence and Related Documentation – with Translations	1937-1939
3	11	Itemized Household Property	1939
3	12	Lectures by Albert and Lilli Rahn	1940s
3	13	Lilli Bechmann-Rahn Prize – Correspondence, Speeches, and Articles	1997-2010
3	14	Marriage and Betrothal of Alfred and Lilli Rahn	1933, 1937
3	15	Other Papers	1965, 2002
3	16	Rahn Family Immigration and Bechmann Family Genealogy	1939, 1997
3	17	Roman Vishniac – Articles and Photographs	1941, 1960-1961

Series II: Papers of Other Family

Members, 1809-2004

This series is in German, English, and Swedish, with smaller amounts of Hebrew and French.

1.55 linear feet.

Arrangement:
Divided into three subseries:

Subseries 1: Rahn and Related Families
Subseries 2: Bechmann and Related Families
Subseries 3: General and Unidentified Family

Scope and Content:
Series II focuses on the earlier generations of both branches of this family, and includes both genealogy and official, legal, and personal documents of family members. Among the family members represented are both the parents and siblings of Alfred and Lilli Rahn, as well as of more distant relations.

Both subseries contained several large, subdivided folders that pertained to specific family members. During the processing of the collection, these subdivisions were assigned their own folders, with the name of the larger folder retained in the folders' titles

Subseries 1 contains the papers of the Rahn family, along with related families, most notably the Farrnbacher family. This subseries includes documentation on the M.S. Farrnbacher metalworks firm that belonged to the family, such as a cashbook and documents relating to the passing of the firm's ownership through the generations. Subseries 1 also holds papers pertaining to Alfred Rahn's brothers, James and Max, with material on the health of James, and Max's finances. Other papers consist of genealogical notes and family trees, and official and legal documents of several Rahn ancestors.

Subseries 2 centers on the Bechmann and related families, especially the Metzger family but also including Lilli Rahn's cousin Walter Bierer. Especially prominent are the papers of Lilli Rahn's parents, Ida and Hugo Bechmann, with documents relating to Hugo Bechmann's death in Sweden and Ida Beckman's later life in the United States. Some documentation pertains to the Bechmann family's glass factory. Genealogy and family members' participation in wartime service during World War I are also well-represented here.

Subseries 3 contains a small amount of material relating to both families, or general material. Among these papers are further genealogical research, translations of some family members' official documents, and information on family deaths and memorials. Some personal papers, such as recipes and handwriting analyses are also present.

Subseries 1: Rahn and Related Families, 1818-1859, 2001

This subseries is in German and English, with a small amount of Hebrew and French.

0.55 linear feet.

Arrangement:
Alphabetical.

Scope and Content:
The papers of Subseries 1 consist of notes, official documents, correspondence and other papers of members of the Rahn family, as well as of the related Farrnbacher family. Included is also some material on the M.S. Farrnbacher metal business.

Two folders hold documentation on the M.S. Farrnbacher business. These include the firm's cashbook in the first folder of the subseries. The cashbook's entries show both business and family finances. Another folder holds the tax file of Johanna Rahn and M.S. Farrnbacher from 1937-1939, documenting the sale of the business to Hans Terberger and Otto Schulte-Wissermann along with a tax decision, correspondence, and financial documentation.

The connection of the Rahn and the Farrnbacher families is also documented here, with folders of genealogical notes and family trees as well as the marriage contract of James Rahn (formerly Jacob Cahen) and Caroline Farrnbacher. The papers of Caroline's parents, Hermann and Jenny Farrnbacher, include contracts of Hermann Farrnbacher.

Among the papers of Rahn family members are those of James Thomas Rahn and Max Rahn, Alfred Rahn's brothers. Papers of James Thomas Rahn includes a medical file (3/25) that documents his being hydrocephalic and schizophrenic and his treatment and condition; included with his medical file is a letter to Lilli Rahn from a doctor in response to her concerns about marrying and eventually having children with Alfred Rahn, due to the chance of James Rahn's condition being hereditary. Another folder (3/30) holds James Rahn's school certificates. Papers of Max Rahn largely focus on his estate and financial matters. The papers of Sidney and Johanna Rahn, Alfred Rahn's parents, contain their marriage certificate and documentation of Sidney Rahn's participation in the Landwehr in World War I, and also include Sidney's death certificate and documentation relating to Johanna Rahn as heir of her husband.

Box	Folder	Title	Date
3	18	Cashbook – M.S. Farrnbacher/ Rahn Family	1925, 1940-1953
3	19	Farrnbacher Family Members File – Farrnbacher/ Rahn Genealogy	1878-1935
3	20	Farrnbacher Family Members File – Hermann and Jenny Farrnbacher	1882-1934

Box	Folder	Title	Date
OS 163		Farrnbacher Family Members File – Hermann and Jenny Farrnbacher – Oversized	1910

Box	Folder	Title	Date
3	21	Farrnbacher Family Members File – James Rahn (Jacob Cahen) and Caroline (née Farrnbacher) Rahn	undated, 1837-1908
3	22	Farrnbacher Family Members File – Moses and Jette Farrnbacher	1828-1889, 1928
3	23	Farrnbacher Family Members File – Seligmann Farrnbacher	1818-1866, 1938
3	24	Farrnbacher Family Members File – Various Letters and Documents	undated, 1911-1934
3	25	James Thomas Rahn – Medical File and Correspondence with Guardian	1931-1941, 1958, 2001

3	26	Johanna Rahn and M.S. Farrnbacher – Tax File	1937-1939
3	27	Max Rahn – Estate Planning	1959
3	28	Quarrel of Therese Simon and Caroline Rahn	1873-1886
3	29	Rahn Family Members File – Jacob Cahen/ James Rahn	1843-1867

Box	Folder	Title	Date
OS 163		Rahn Family Members File – Jacob Cahen/ James Rahn – Oversized	1860

Box	Folder	Title	Date
3	30	Rahn Family Members File – James Thomas Rahn	1898-1914
3	31	Rahn Family Members File – Max Rahn	1937-1939

Box	Folder	Title	Date
4	1	Rahn Family Members File – Sidney and Johanna (Hannchen) Rahn	1866-1938
4	2	Sidney and Johanna Rahn – Contracts, Notarized Documents, and Financial Papers	1895-1906, 1922-1937

Subseries 2: Bechmann and Related Families, 1809-2002

This subseries is in German, English, and Swedish.

0.55 linear feet.

Arrangement:
Alphabetical.

Scope and Content:
Subseries 2 contains papers of members of the Bechmann and related Metzger, Birn, Bechhofen, and Bierer families. Papers include official documents, genealogical research, correspondence, and other papers. Various official documents, certificates, eulogies or obituaries, and wills are present for many of the family members in this subseries. Oversized König Ludwigs-Kreuz (King Ludwig Cross) certificates belong to Bechmann family members who earned recognition for their service during World War II. Two folders hold the papers of Wilhelm (Wolf) Bechmann, who founded the Bechmann mirror glass factory in Fürth. A genealogical article on Rabbi Salomon Schnaittach provides information on this early ancestor.

The first two folders of the subseries hold Lilli Rahn's genealogical research that culminated in the Bechmann family history. An updated version of this history, written by Evelyn Rahn Davis, is present in the first folder of the subseries. The following folder holds genealogical research notes and correspondence of Lilli Rahn.

Several folders provide information on Hugo and Ida (née Metzger, after immigration Beckman) Bechmann, the parents of Lilli Rahn. Among Ida Beckman's papers are some documentation on Lilli Bechmann's infancy, such as notes on her food and weight. Ida Beckman's immigration papers include a letter to Alfred and Lilli Rahn that tells of the death of Hugo Bechmann in Sweden. Other papers relate to his estate, acquiring paperwork from Sweden for Ida Beckman's restitution claims, or correspondence with a former employer, the National Jewish Hospital in Denver. Papers of the Metzger family include copies of the death certificate

of Karoline Metzger, Ida Beckman's mother, who died in Theresienstadt.

One folder holds the wartime correspondence and autobiography of Walter Bierer, Lilli Rahn's cousin (son of Ida Beckman's younger sister Emma). His autobiography is particularly interesting, documenting his family's flight from Paris, where they had moved the L. Bierer toy factory, owned by the Bierer branch of the family. Once France came under threat of attack from Nazi Germany, enemy aliens including German-born Jews were given few options to avoid being placed in an internment camp. Walter Bierer, along with other German-Jewish men, chose to join the French army but they were instead brought to the French Foreign Legion in Morocco. Once released from the Legion after the Nazi occupation of France, he worked to bring his family out of Paris, and immigrated to the United States via Cuba, where he spent time in an internment camp. Soon after his arrival in the United States in 1943 he was drafted into the army, where he was stationed in Nuremberg. His wartime letters to Alfred and Lilli Rahn describe postwar Fürth and Nuremberg, with descriptions of reunions with non-Jewish friends, the state of the cemeteries in Fürth, and the condition of the former Bechmann glass factory.

Box	Folder	Title	Date
4	3	Bechmann Family History	1972
4	4	Bechmann Family Members File – Family History Notes, Documents, and Family Trees	undated, 1809-1813, 1924-1936
4	5	Bechmann Family Members File – Goodheart and Gutherz Family Members	1830-1913
4	6	Bechmann Family Members File – Louis and Mathilde Bechmann – Charitable Donations	1920-1921
4	7	Bechmann Family Members File – Louis and Mathilde Bechmann Stiftung	1919, 1934
4	8	Bechmann Family Members File – Louis Bechmann	1855-1920
4	9	Bechmann Family Members File – Louis Bechmann – Eulogy and Obituaries	1921
4	10	Bechmann Family Members File – Mathilde Bechmann	1846, 1915-1920
4	11	Bechmann Family Members File – Mathilde Bechmann – Eulogies and Obituaries	1920
4	12	Bechmann Family Members File – Other Family Members Jakob (called Jacques Louis) Löb Bechmann 1896 Jakob and Veronika Birn 1902 Julius and Julie (née Birn) Bechmann 1910-1920 Jonas Bechmann 1837 Nathan Hirsch Bechmann ? 1859, 1867 Mohel Jona Bechhofen and his family undated, 1844	1844-1920
4	13	Bechmann Family Members File – Wilhelm (called Wolff) Bechmann	1872-1908
Box	**Folder**	**Title**	**Date**

OS 163		Bechmann Family Members – König Ludwigs-Kreuz Certificates for Wartime Merits	1916-1917

Box	Folder	Title	Date
4	14	Bechmann Family Members – Notes, Correspondence, and Fragments	undated, 1904-1913
4	15	Eva Metzger Brown	1997-1998
4	16	Hugo Bechmann	1878-1942
4	17	Genealogy – Jonas Salomon Bechhofen and Rabbi Salomon Schnaittach	1935-1938
4	18	Ida Beckman – Correspondence – National Jewish Hospital at Denver	1950-1972
4	19	Ida Beckman – Diplomas and Certificates	1895-1906
4	20	Ida Beckman – Employment of Caroline Goodspeed	1972-1974
4	21	Ida Beckman – Finances and Hugo Bechmann Estate	1936-1941
4	22	Ida Beckman – Immigration	1941-1945
4	23	Ida Beckman – Swedish Agencies and Lawyers	1942-1956
4	24	Ida Beckman – Will and Trust	1966-1978
4	25	Ida Beckman – Lilli Bechmann's Infancy	1911
4	26	Louis and Wilhelm Bechmann	1906-1935

Box	Folder	Title	Date
OS 163		Louis and Wilhelm Bechmann – Oversized Certificate	

Box	Folder	Title	Date
4	27	Louis Bechmann – Diary	1920

Box	Folder	Title	Date
OS 163		Louis Bechmann - Decoration (Ehrenzeichen) Second Class for Red Cross Service	1916

Box	Folder	Title	Date
4	28	Mathilde Bechmann	1917
4	29	Metzger Family	undated, 1935-1942, 1975-2002
4	30	Walter Bierer – Correspondence and Autobiography	undated, 1945, 1984
4	31	Wilhelm Bechmann Genealogy	1935-2000
4	32	Wilhelm Bechmann – Birthday Certificate for Charitable Donation	1890
4	33	Wolf, Louis and Maier Bechmann – Documents with Translations	1879-1885, 1921

Subseries 3: General and Unidentified Family, 1895-2004

This subseries is in German and English.

0.45 linear feet.

Arrangement:
Alphabetical.

Scope and Content:
Subseries 3 contains papers relating to both branches of the family, general material, or materials of individuals whose family connection is unclear.

The first folder of the subseries holds some correspondence, obituaries, and information on family graves or memorials. Included here is also Ida Beckman's death certificate.

Two folders contain genealogical notes and family trees. One of these features photographs of unidentified groups of family members.

One folder (5/1) holds a small assortment of family papers from both branches with translations. Among these papers is correspondence between Ida Beckman and the photographer Roman Vishniac, along with his daughter Mara. This folder also includes papers of Hugo Bechmann, such as his passport, trade pass (Handelspass), and a newspaper clipping naming him Councilor of Commerce in Fürth. The following folder holds an accumulation of typed recipes, largely desserts, and a letter to Ida Beckman.

Box	Folder	Title	Date
4	34	Family Deaths and Memorials	undated, 1969-1978
4	35	Fürth/ Nuremberg Reunion	2001-2002
4	36	Genealogical Notes and Family Trees – Various Branches	undated, 1935, 1999
4	37	Genealogy Notes with Photographs	undated, 1942-1985
4	38	Handwriting Analysis	1924-1931
4	39	Lothar (Lali) Weil Biography	1948, 1985
Box	**Folder**	**Title**	**Date**
5	1	Rahn and Bechmann Family Papers – with Translations	1895-2004
5	2	Recipes	undated, 1931
5	3	Swiss Bank Accounts – Information	1997

Series III: Restitution and Financial Papers, 1928-1978

This series is in German and English, with a small amount in Swedish.

1.35 linear feet.

Arrangement:
Alphabetical.

Scope and Content:
Series III contains the restitution efforts of members of the family, as well as holding some of their financial papers. Most of the restitution paperwork centers on restitution for Alfred, Lilli, and Johanna Rahn, and Ida Beckman; Max Rahn is featured to a lesser extent. The papers of this series consist primarily of correspondence and its related documentation, including forms, copies of pre-war documents, and bank statements. The bulk of the

correspondence is with lawyers in Germany, government agencies, or banks, but a smaller amount is between family members discussing the restitution process. The correspondence begins with Alfred Rahn's earliest attempts at restitution, by reporting his property losses to the United States State Department in 1945 and with banks in 1939, and continued for many years. Correspondence with lawyers often requested clarification or updates on claims. As laws regarding restitution were added or amended over the years, the family members filed new claims.

Alfred and Lilli Rahn sought restitution for several losses. In addition to property, they claimed losses of education, professional development, transport costs, and loss of household items. Other restitution for the couple included restitution for the flight tax (Reichsfluchtsteuer), the Jewish property levy (Judenvermögensabgabe), and for a German pension. Alfred also assisted his mother, Johanna Rahn, in her restitution efforts. Much of the correspondence and documentation of this series pertains to the restitution of Alfred and Johanna Rahn's property and to an unpaid debt related to the selling of the M.S. Farrnbacher firm, as well as the two properties the family had owned in Fürth, Hornschuhpromenade 7 (the Bechmann family home) and Königstraße 129 (the Rahn family home and business). Other correspondence focuses on their attempts to receive restitution from banks, especially the Dresdner Bank, the Commerz- und Privat-Bank, and the Bayerische Staatsbank. Some correspondence relates to restitution for Johanna and Max Rahn for the estate of James Rahn.

Ida Beckman sought restitution for the loss of her property, for the estate of her mother (Karoline Metzger), for her husband Hugo's lost property, and for a widow's pension. Her correspondence includes a significant amount of discussions with her lawyer. Some documentation from the Berliner Bank relates to the restitution payments she was successful in receiving.

Box	Folder	Title	Date
5	4	Alfred and Lilli Rahn – Documentation of Income	1942
5	5	Alfred and Lilli Rahn – Dresdner Bank Account	1937-1939
5	6	Alfred and Lilli Rahn – Restitution Claim against Deutsche Tafelglas Aktiongesellschaft	1945-1948
5	7	Alfred and Lilli Rahn – Restitution for Loss of Education	1961, 1966-1973
5	8	Alfred and Lilli Rahn – Restitution of Transport Costs and Loss of Personal and Household Items	1946-1960
5	9	Alfred, Lilli and Johanna Rahn – Restitution Claims for Jewish Capital Levy (Judenvermögensabgabe) and Reich Flight Tax (Reichsfluchtsteuer)	1937-1939, 1953-1959
5	10	Alfred Rahn – Forced Auction of Property	1961-1963
5	11	Alfred Rahn – German Emigration Documentation	1937
5	12	Alfred Rahn – German Pension and Insurance	1936, 1969-1970
5	13	Alfred Rahn – Registration of Restitution Claims with State Department and Office of Alien Property	1945-1950

5	14	Alfred Rahn – Restitution Claim for Interruption of Professional Development	1959-1961
5	15	Alfred Rahn – Restitution Claim for Property on Hornschuhpromenade 7, Fürth – Correspondence with Carola Loeffler	1946-1951
5	16	Alfred Rahn – Restitution Claim for Property on Königstrasse 129, Fürth	1947-1948
5	17	Alfred Rahn – Restitution for Confiscated Capital	1948-1955
5	18	Alfred Rahn – Restitution for Unpaid Debt – Fritz Winnerlein/ Schulte-Wissermann KG	1948
5	19	Alfred Rahn – Transfer Losses Claim (Transferschaden) and Other Claims	1957-1960
5	20	Bank Account Documentation – Commerz- und Privat-Bank	1938-1939
5	21	Bank Account Documentation – Commerz- und Privat-Bank	1938-1941
5	22	Bank Account Documentation – Dresdner Bank	1937-1939
5	23	Bayerische Staatsbank	1946-1948
5	24	Bayerische Staatsbank	1949-1950
5	25	Bayerische Staatsbank	1951-1952
5	26	Care of James Rahn	1937-1939
5	27	Census of Property in Foreign Countries	1943
5	28	Correspondence – Bechmann Family Members and Hornschuhpromende 7 Property	1951-1958
5	29	Correspondence – House on Hornschuhpromenade 7, Fürth	1947-1949
5	30	Correspondence – Johanna Rahn Bank Account Losses	1939, 1957-1958
5	31	Correspondence – Multiple Claims	1957-1961
5	32	Correspondence – Transport of Personal and Household Goods	1939-1951, 1956
5	33	Fürth Property – Correspondence and Declarations	1946
5	34	Ida Beckman – Assets of Karoline Metzger	1957-1967
5	35	Ida Beckman – Assets of Karoline Metzger and Hugo Bechmann	1954-1956
5	36	Ida Beckman – Assets of Karoline Metzger – Payments from Berliner Bank	1961-1962
5	37	Ida Beckman – Emigration to United States – Documentation	1943-1944, 1954
5	38	Ida Beckman – Estate of Karoline Metzger	1944, 1954-1959
5	39	Ida Beckman – Multiple Claims	1938-1955
5	40	Ida Beckman – Multiple Claims	1956-1959
5	41	Ida Beckman – Multiple Claims	1963-1972

5	42	Investments	1949-1970
5	43	Johanna Rahn and Max Rahn – Restitution of Pre-war Savings (Altsparerentschädigung)	1958-1963
Box	**Folder**	**Title**	**Date**
6	1	Johanna Rahn and Max Rahn – Restitution of Pre-war Savings (Altsparerentschädigung)	1961-1963
6	2	Johanna Rahn – Bayerische Disconto Bank	1949-1952
6	3	Johanna Rahn – Bayerische Staatsbank	1947-1961
6	4	Johanna Rahn – Bing Kühlschrank	1948
6	5	Johanna Rahn – Bing Kühlschrank and Wilhelm Dech	1944-1946
6	6	Johanna Rahn – Commerz- und Credit-Bank	1949, 1952-1954
6	7	Johanna Rahn – Commerz- und Privat-Bank – Pre-war Documentation	1938-1939
6	8	Johanna Rahn – Correspondence with Georg Dimmler	1939
6	9	Johanna Rahn – Finances and Restitution – Dresdner Bank	1937-1939
6	10	Johanna Rahn – Finances and Restitution – Georg Dimmler Correspondence	1938-1941, 1956
6	11	Johanna Rahn – Multiple Claims	1959-1961
6	12	Johanna Rahn – Wilhelm Dech Claim	1945, 1949-1951
6	13	Karoline Metzger and Ida Beckman	1975-1978
6	14	Max Rahn – Correspondence regarding Restitution Claim with State Department	1946-1952
6	15	Max Rahn – Restitution Claim against Deutsche Bank, Fürth	1946-1951
6	16	Net Worth Levies and Taxes with Related Documentation	1938-1939
6	17	Official Documentation of Rahn Family Members	1928-1940, 1974
6	18	Restitution Correspondence – Family Letters	1942

Series IV: Visual Material, 1800s-1971

This series is in German and English.

1.35 linear feet.

Arrangement:
Alphabetical.

Scope and Content:
Series IV holds the collection's visual material, primarily photo albums and loose photographs. These depict family members or locations of trips taken by them. Many loose photographs are unidentified.

The photo albums of this series largely document trips taken by family

members. The earliest show Lilli Bechmann's trips to Northern Italy, England, and Austria. The album of her trip to Italy and Sicily in 1934 (6/19) features various sites in Italy, and in particular focuses on Tripoli and its Jewish quarter, then part of Italy. Of interest are the photographs taken in the desert oases outside of Tripoli that depict the Jews of the small village of Tegrinna, their daily life, and their Rabbi. Accompanying the album are clippings and an article by Lilli Bechmann on the Jews of Tegrinna and the surrounding region who resided in underground dwellings at the edge of the Sahara desert. Notable is also the album from 1935-1938 that shows the Rahns and their family members (6/24). This album depicts the 1935 trip that Alfred and Johanna Rahn took to the United States in order to decide if they should to immigrate there. Photographs in this album from 1936 show a trip by Lilli to Copenhagen, garden work, and Nuremberg in 1936. Photos of Nuremberg depict the city's Nazi Party rally grounds and the exterior of an SA (Sturmabteilung) camp. The album additionally shows many shots of skiing, a sport that Alfred and Lilli Rahn particularly enjoyed, as well as scenes of snowy mountain landscapes.

A large amount of loose photographs depict both branches of the family. Most of these photographs are not identified. Included among the photographs are Alfred and Lilli Rahn and Ida Beckman as well as older photographs of members of earlier generations of the family.

Box	Folder	Title	Date
8	2	Glass Plates – Birth Certificates	undated

Box	Folder	Title	Date
6	19	Photo album – Italy and Sicily	1934 March
6	20	Photo album – Italy and Sicily – Articles and Itineraries	undated, 1934
6	21	Photo album – Lilli Bechmann's Trip to England	1929 July
6	22	Photo album – Lilli Bechmann's Trip to Lermoos and Seefeld in Tirol	1928 December-1929 January
6	23	Photo album – Lilli Bechmann's Trip to Northern Italy	1928 Spring
6	24	Photo album – The Rahns and their Friends	1935 October-1938 April

Box	Folder	Title	Date
7	1	Photographs – Bechmann Family Members	undated, 1800s, 1920
7	2	Photographs – Bechmann, Hugo	1893-1940s?
7	3	Photographs – Farrnbacher, Hermann	undated
7	4	Photographs – Beckman, Ida	1935-1937
7	5	Photographs – Gutherz Family	undated, 1901
7	6	Photographs – Loeffler Family Members	undated, 1940
7	7	Photographs – Leopold Family	undated
7	8	Photographs – Locations – New York City and Israel	undated
7	9	Photographs –Metzger, Caroline and Max	undated, 1897
7	10	Photographs – Other Family Members and Friends	undated, 1922
7	11	Photographs – Other Individuals	undated, 1904-1971

7	12	Photographs –Rahn, Alfred and Lilli	undated, 1949-1952
7	13	Photographs – Unidentified – Children	undated
7	14	Photographs – Unidentified – Groups and Couples	undated
7	15	Photographs – Unidentified – Women and Men	undated

Box	Folder	Title	Date
8	1	Slides – Italy and Monte Carlo	1960-1969

DENSITY INCONSISTENT DUE TO VARYING SHADES AND COLORS OF DOCUMENTS

Rahn Family Collection

AR 25538 3/8 FÜRTH - JEWISH COMMUNITY & CEMETERY 1996-2006 ARCHIVES

Abendzeitung
27. Mai 1999

Judenfriedhof: Nur Kinder als Täter

Gutachten bestätigt: Sie zerstörten Gräber in Bärenschanzstraße ohne fremde Hilfe

VON ANDREA UHRIG

Sind zwei elf und zwölf Jahre alte Kinder in der Lage einen ganzen Friedhof zu verwüsten? Arno Hamburger, Vorsitzender der Israelitischen Kultusgemeinde Nürnberg, wollte dieses Ermittlungsergebnis der Kriminalpolizei nach den Zerstörungen am Judenfriedhof nicht glauben. Jetzt liegt ein Gutachten vor.

Zur Vorgeschichte: Die Beamten hatten als Grabschänder des Jüdischen Friedhofs in der Bärenschanzstraße zwei Buben als Täter präsentiert. Einer hätte sich beim Spielen im April an einen Stein gelehnt. Als der umgefallen sei, hätten sie sich spontan entschlossen, weitere Steine auf ihre Standfestigkeit zu überprüfen, erzählten die Kinder bei ihrer Vernehmung.

Insgesamt kippten die Schüler sechs Urnen und 83 Grabmäler um. Um das Geständnis der Buben zu untermauern und alle Zweifel an der Aussage zu beseitigen, beauftragte die Kripo die Landesgewerbeanstalt Bayern.

„Der Gutachter stellte aufgrund der ermittelten Werte der erforderlichen Kipp-Energie fest, daß die Kinder ohne weiteres in der Lage waren, kleinere Grabsteine alleine und größere gemeinsam umzustoßen", berichtet Polizeisprecher Peter Grösch. Ein politisches Motiv scheide aus. „Aufgrund der abschließenden Ermittlungen steht damit zweifelsfrei fest, daß das gesamte Ausmaß der Zerstörungen auf das Konto der Kinder geht."

Tatort Judenfriedhof (v.l.): Rechtsdirektor Frommer, Polizei-Chef Müller, Arno Hamburger, der Vorsitzende der Isrealitischen Kultusgemeinde und sein Stellvertreter Rudi Ceslanski bei der Schadens-Besichtigung.

Bild Zeitung vom: 27. Mai 1999

Endgültig: Kinder waren die Grabschänder

Nürnberg – Die Grabschändung auf dem alten jüdischen Friedhof ist endgültig geklärt. Kripo-Experten haben zweifelsfrei herausgefunden: Es waren die beiden geständigen Jungs (11/12).

Die Buben hatten am 17. April 83 Grabsteine und Urnen umgeworfen – einfach so, aus Jux (BILD berichtete). Sie gestanden, doch trotzdem gab die Kripo ein Gutachten in Auftrag, um das Geständnis zu untermauern. Ergebnis: Alle Grabsteine konnten problemlos von Kindern umgeworfen werden, außerdem konnten sich die Jungs an 80 Prozent der Grabmähler erinnern. Ein Polizeisprecher: „Damit scheidet eine Beteiligung anderer Täter aus."

Nürnberger Nachrichten vom: 23. April 1999

Rechte Szene im Blickfeld

„Wir treten ihnen auf die Zehen"

Polizei stellte wenig Veränderungen bei den Gruppen fest

VON W. HEILIG-ACHNECK

NÜRNBERG — Bisher ist es nur eine naheliegende Vermutung, daß die Schändung der 85 jüdischen Grabmäler in Nürnberg auf das Konto von Reechtsextremisten geht. Auch für die Polizei drängt sich dieser Verdaeht natürlieh auf. Andererseits sind auf dem Friedhof keinerlei Schmierereien oder ähnliche „Gesinnungsspuren" gefunden worden. „Das ist ungewöhnlich. Denn in aller Regel hinterlassen Täter, die auch nur vage politisch motiviert sind, eine Art Bekenntnis", erläutert Rainer Konopka, Sachgebietsleiter „Verbreechensbekämpfung" beim Polizeipräsidium Mittelfranken.

Solche Signale sind um so wichtiger, als sich die Urheber extremistischer Anschläge damit auch voreinander zu profilieren versuchen. Glücklicherweise sind die Zahlen von links- wie von rechtsradikalen Straftaten in den vergangenen Jahren in der Region eher gesunken. In Nürnberg kam es 1998 zu 22 Delikten (gegenüber 27 1997) mit rechtsextremistischem Hintergrund, darunter zwei gewalttätige Angriffe, die geklärt wurden. In Mittelfranken verzeichnete die Polizei insgesamt 30 Fälle von Bedrohung, Beleidigung oder Volksverhetzung. Dazu kommen weitere 270 Ermittlungsverfahren wegen der Verwendung von verbotenen Parolen und Emblemen, vor allem bei Fußballfans.

Im engeren Sinn bestehe die Neonazi-Szene in Mittelfranken aus „einigen kleineren Gruppen", sagt Konopka. Dazu gehören fast ausschließlich 15- bis 25jährige und allenfalls vereinzelt „Opas". Bereits nach der Serie fremdenfeindlicher Anschläge Anfang der 90er Jahre hat die Polizei alle identifizierbaren Mitglieder und Sympathisanten erfaßt, um sie im Fall des Falles in kürzester Zeit überprüfen zu können.

Rund 150 Namen stehen auf der Einsatzliste „Adam", ein Drittel davon in Nürnberg. In den vergangenen Jahren habe es keine großen Veränderungen gegeben, so Konopka. „Aber wir bleiben mit Argusaugen dran und treten ihnen, wo es geht, auf die Zehen." Wenn massive Probleme auftreten, wie zuletzt in Herzogenaurach und einigen anderen Orten im Kreis Erlangen-Höchstadt, versuche die Polizei mit erheblichen Kräften, die Szene zu verkleinern und aufzulösen. Mehrere Wirte einschlägiger Treffpunkte konnten bewegt werden, Neonazis als „unerwünschten Gästen" die Tür zu weisen.

Siebenköpfige Ermittlungsgruppe der Kriminalpolizei soll Schändung des jüdischen Friedhofs in Nürnberg klären

Mit Graphitstaub und Zollstock auf der Suche nach den Tätern

3000 Mark Belohnung ausgesetzt — Alle Anwohner abgeklappert — Restaurierung der 85 zerstörten Gräber kostet bis zu 400 000 Mark

VON GABI PFEIFFER UND WOLFGANG HEILIG-ACHNECK

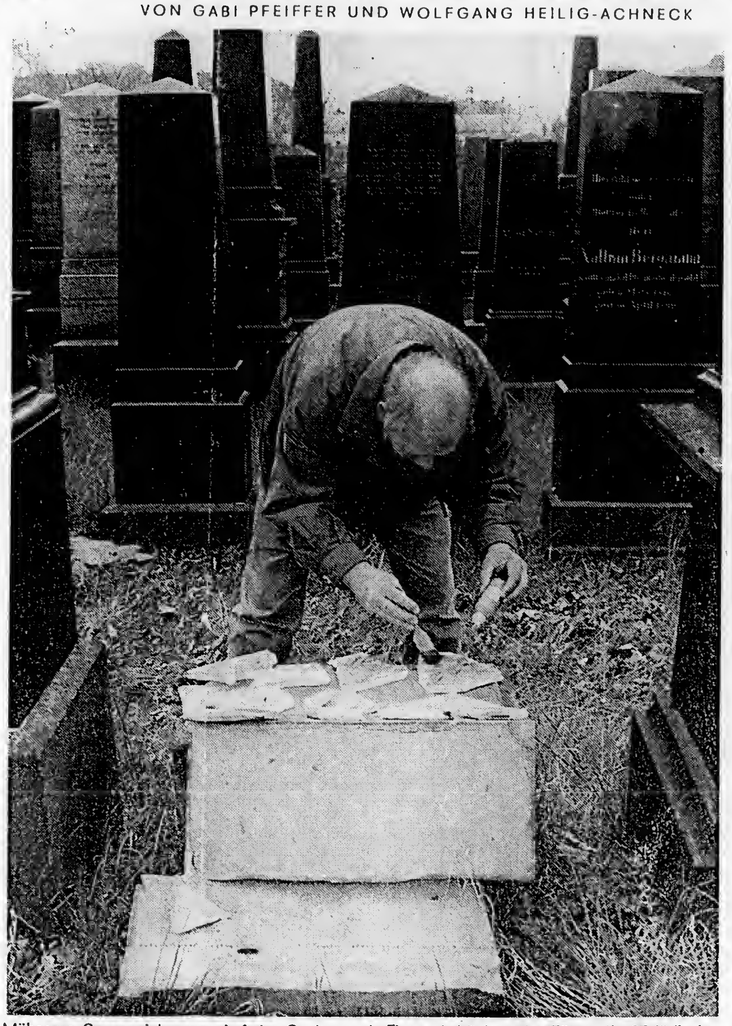
NÜRNBERG — „Das macht man nicht!" sagt die 61jährige und preßt die Lippen zum wütenden Strich. Die Ansbacherin ist mit ihrem Mann gekommen, um sich den geschändeten Jüdischen Friedhof anzuschauen. Nun stehen die beiden, die über zehn Jahre lang in Nürnberg lebten, an der Reutersbrunnenstraße. Kopfschüttelnd blikken sie auf die Lücken in der hüfthohen Mauer und den rostigen Stacheldraht, der mürbe zwischen windschiefen Streben hängt.

Hätte eine stabile Mauer die unbekannten Täter, die irgendwann zwischen Freitag mittag und Montag 85 Grabsteine umgestürzt oder zerschlagen haben, abgehalten? Das bezweifelt auch **Arno Hamburger**, Vorsitzender der Israelitischen Kultusgemeinde Nürnbergs: „Man kann einen Friedhof nicht so absichern, daß das nicht geschehen könnte." Die Polizei fährt die Begräbnisstätte in Gostenhof regelmäßig an, in Sicht- und Hörweite leben mehrere hundert Anwohner.

Ratlose Nachbarn

Doch die sind ratlos. „Ich kann mir nicht erklären, wie einer da draufkommt", sagt Peter Eichhorn (21), der in einem Hochhaus an der Reutersbrunnenstraße wohnt. Wenn jemand etwas gesehen hätte, hätte er doch die Polizei angerufen ... Das sagt auch Zeki Korkmaz (24), der von seiner Daehwohnung in der Bärensehanzstraße aus direkt über den Friedhof bliekt. Doch der Fotolaborant war in der vergangenen Woche abends bei seinen Eltern.

Nicht einmal Tatjana Hecht (50), die auf dem Gelände wohnt, hat etwas bemerkt. Denn bis zum anderen Ende, wo die Täter wüteten, sind's etwa 150 Meter. Das hat die Bildhauerin auch den Polizeibeamten gesagt, die inzwischen die gesamte Nachbarschaft abklappern. „Wir ermitteln in alle Richtungen" antwortete die Polizei gestern auf alle Fragen nach neuen Erkenntnissen oder einem ersten Verdacht. Eine Standardauskunft für alle ungeklärten Fälle.



Mühsame Spurensicherung: Auf der Suche nach Fingerabdrücken der Täter, die 85 jüdische Gräber schändeten, bestäubt ein Polizeibeamter Teile einer zerstörten Inschriftplatte. Foto: Bauer

Offenbar haben die Beamten bisher wenig in der Hand — oder wollen entscheidende Beweise nicht preisgeben, solange die Verdächtigen nicht überführt sind.

Daß rechtsradikale Halbstarke am Werk gewesen sind — wie es der Tatzeitpunkt um den 20. April (Hitlers Geburtstag) vermuten läßt — ist bis jetzt durch nichts belegt. Dennoch wird sich eine siebenköpfige Arbeitsgruppe der Kripo alle Aktivisten vorknöpfen, die schon einmal im Dunstkreis der Neonazi-Szene aufgefallen sind. *(Siehe nebenstehenden Kasten)*

Zudem bittet die Polizei Anwohner, Autofahrer und Passanten „selbst harmlos erscheinende Beobachtungen aus den vergangenen Tagen" unter der Telefonnummer 2 11 27 77 mitzuteilen. Am Freitag nachmittag vor einer Woche war nach Aussage eines Zeugen auf dem Friedhof noch alles in bester Ordnung. Die Täter waren also vermutlich am Wochenende eingedrungen. Für die entscheidenden Tips hat das Landeskriminalamt 3000 Mark Belohnung ausgesetzt. Innenminister Beckstein verspricht, die Aufklärung des Falles mit „jedem nötigen Aufwand" voranzutreiben.

Suche nach Fingerabdrücken

Doch im Moment bleibt nur, das Geschehene zu dokumentieren und nach Hinweisen auf die Täter zu suchen. Beamte der Spurensicherung hantieren zwischen umgestürzten Steinen mit Zollstock und Graphitstaub. Der Fingerabdruck führt garantiert zum Täter — und irgendjemand muß die Platte mit der Inschrift ja angefaßt haben. *Nachdem* er sie wohl mit beträchtlicher Gewalt und einem Werkzeug heruntergeschlagen hatte und *bevor* er sie fünf Meter weit über den Weg schleuderte und gegen unversehrte Grabsteine schmetterte.

„Ruhe sanft" ist dort eingemeißelt. „Dem Auge fern, dem Herzen ewig nah" oder „Grenzstein des Lebens, aber nicht der Liebe". Letzte Botschaften der Lebenden an ihre Toten. Daß deren Ruhe nun so brutal gestört wird, ist gerade für Juden schwer zu ertragen. Der Friedhof — auf Hebräisch auch „Haus des Friedens" oder „der gute Ort" genannt — ist heilig, erläutert der Publizist Leibl Rosenberg. Denn dort warten Seele *und* Körper der Verstorbenen auf ihre Auferstehung. Deshalb ist die Erdbestattung die Regel, werden Gräber niemals aufgelassen. Den Friedhof als Erholungsstätte zu nutzen oder ihn zu queren, um einen Weg abzukürzen, ist undenkbar.

Um Nürnberg verdient gemacht

Über die Unantastbarkeit der Gräber haben sich die Täter hinweggesetzt. Auch über die Inschrift „Friede ihrer Asche" am Grabmal der Brüder Frankenburger. Die Urne ist vom Sockel gerissen, aus dem Stein ein großes Stück herausgeschlagen. Beide Brüder, die sich nach der Reichskristallnacht das Leben nahmen, hatten sich um Nürnberg verdient gemacht: Leonhard als hochdekorierter Jurist, der Geheime Sanitätsrat Alexander führte die Tuberkulosefürsorge ein.

85 geschändete Gräber. Schon gelten die Gedanken auch der Zukunft: Soll man die Steine als Mahnmal so liegen lassen? „Nein, das haben die Leute nicht verdient", sagt Hamburger. Zumindest eine Tafel mit dem Namen des Toten und einem Hinweis auf die mutwillige Zerstörung müßte angebracht werden, die Steine vielleicht sogar restauriert. Das wird teuer: Bis zu 400 000 Mark, schätzt Hamburger.

Nürnberger Zeitung vom: 23. April 1999

Jagd auf Friedhofsschänder

Nürnberger Kripo bildet spezielle Arbeitsgruppe

NÜRNBERG (NZ). — Um die Täter zu fassen, die auf einem jüdischen Friedhof in Nürnberg 85 Gräber geschändet haben, hat die Polizei jetzt eine Belohnung ausgesetzt. Zur Aufklärung der Tat wurde von der Kripo eine vierköpfige Arbeitsgruppe eingerichtet.

Nach Oberbürgermeister Ludwig Scholz und den Grünen haben gestern auch die SPD-Fraktion und Vertreter der evangelischen Kirche den Anschlag verurteilt. Es handle sich dabei um den schlimmsten Fall einer Schändung von jüdischen Gräbern in der Stadt, deren Ruf ohnehin durch die Reichsparteitage belastet ist.

Der sonst so stille und kaum bekannte Alte Israelitische Friedhof an der Bärenschanzstraße erhielt gestern Besuch von zahlreichen Medienvertretern. Auch Ermittler der Kriminalpolizei suchten nach Fingerabdrücken und Fußspuren, die einen Hinweis auf die Täter liefern könnten. Noch tappt man allerdings im dunkeln. Als möglicher Täterkreis komme auch die rechtsradikale Szene in Frage, hieß es seitens der Polizei. Ein Anlaß für die Verwüstungen könnte Hitlers Geburtstag am 20. April sein. Als Tatzeitraum wird der 16. bis 21. April angegeben. Entdeckt wurden die Zerstörungen auf dem gerade sanierten Friedhof von einem Arbeiter am vergangenen Mittwoch.

Inzwischen bittet die Kripo auch die Bevölkerung darum, bei der Aufklärung der Tat mitzuhelfen. Das Bayerische Landeskriminalamt hat eine Belohnung von 3000 Mark ausgesetzt.
(Siehe Kommentar Seite 2)

Unsere Meinung

Die nächtliche Schändung des jüdischen Friedhofes

Schlimm für Nürnberg

Menschenrechtspreis, Dokumentationszentrum, eine Vielzahl zeitgeschichtlicher Tagungen und Kolloquien — Nürnberg läßt wahrlich nichts unversucht, um den Makel zu tilgen, den es als einstige Stadt der Reichsparteitage und der Rassengesetze seit einem halben Jahrhundert trägt. Andere Städte, etwa München, mögen sich den Braunen weitaus bereitwilliger ergeben haben. Doch in Nürnberg wird die Vergangenheitsbewältigung ungleich intensiver betrieben.

Die Bemühungen um eine Ansehensverbesserung und eine Aufhellung der jüngsten Geschichte haben durchaus Erfolg. Die Stadt, deren Name so lange für nazistische Verblendung stand, wird inzwischen selbst im hitlergeschädigten Ausland für ihren aufklärerischen Impetus gelobt.

Da ist die Schändung des jüdischen Friedhofs natürlich eine mittlere Katastrophe. Auch wenn derlei Exzesse, Gott sei's geklagt, in Deutschland nicht eben selten sind — wenn in Nürnberg solche Zerstörungsorgien stattfinden, werden Vorurteile und Klischees mit besonderem Eifer hervorgekramt: Da sieht man's wieder, die Leute haben nichts gelernt und nichts begriffen.

Judenfeindlicher Exzeß oder zielloser Vandalismus? Es ist durchaus denkbar, daß es die schiere Lust an Provokationen und Tabuverletzungen war, welche die Friedhofsschänder angetrieben hat. Es ist ja so einfach: Man vergreift sich an jüdischen Grabstätten, und schon ist man in aller Munde. Das Ausland spitzt die Ohren, die Stadt ist ins Zwielicht gerückt, die Politiker sind wortreich um Schadensbegrenzung bemüht — für Leute mit gestörter Psyche oder für aufsässige Halbstarke ist es eine verlockende Vorstellung, ohne sonderliches Risiko Aufregung und hilflosen Zorn zu produzieren.

Möglich aber auch, daß in Gostenhof tatsächlich notorische Judenhasser und Neonazis am Werk waren. Am Geburtstag des Braunauers ein makabres Signal setzen, das mag das Pack schon reizen. Allerdings bleiben diese Leute meistens in Deckung und scheuen die Aktion; sie ziehen lieber per Internet ihre Fäden oder tauschen via Diskette Konzepte über die neuerliche Installierung eines Führerstaates aus.

Zu fassen sind die klammheimlichen Hitler-Verehrer jedenfalls nicht so leicht, und eben dies macht sie so gefährlich. Ihre biedermännische Tarnung ist perfekt, ihre Effizienz beträchtlich. Was bei Parolenschmierern und Friedhofsschändern nachgeäffte Phrasen sein mögen, ist ihnen bitterer Ernst: Sie wollen zurück zu einem Deutschland, das seine Nachbarn das Fürchten lehrt und weder Ausländer noch Juden duldet.

Kurzum, die Deutschen müssen wachsam bleiben. Und die Nürnberger mit ihrer problematischen Geschichte sollten ganz besonders auf der Hut sein. Das gilt auch für den Fall, daß sich die Friedhofsschänder tatsächlich als unpolitische Deppentruppe entpuppen sollten.

RAINER HAJECK

Intentional Second Exposure

Nürnberger Nachrichten vom: 23. April 1999

Rechte Szene im Blickfeld

„Wir treten ihnen auf die Zehen"

Polizei stellte wenig Veränderungen bei den Gruppen fest

VON W. HEILIG-ACHNECK

NÜRNBERG — Bisher ist es nur eine naheliegende Vermutung, daß die Schändung der 85 jüdischen Grabmäler in Nürnberg auf das Konto von Rechtsextremisten geht. Auch für die Polizei drängt sich dieser Verdacht natürlich auf. Andererseits sind auf dem Friedhof keinerlei Schmierereien oder ähnliche „Gesinnungsspuren" gefunden worden. „Das ist ungewöhnlich. Denn in aller Regel hinterlassen Täter, die auch nur vage politisch motiviert sind, eine Art Bekenntnis", erläutert Rainer Konopka, Sachgebietsleiter „Verbrechensbekämpfung" beim Polizeipräsidium Mittelfranken.

Solche Signale sind um so wichtiger, als sich die Urheber extremistischer Ansehläge damit auch voreinander zu profilieren versuchen. Glücklicherweise sind die Zahlen von links- wie von rechtsradikalen Straftaten in den vergangenen Jahren in der Region eher gesunken. In Nürnberg kam es 1998 zu 22 Delikten (gegenüber 27 1997) mit rechtsextremistischem Hintergrund, darunter zwei gewalttätige Angriffe, die geklärt wurden. In Mittelfranken verzeichnete die Polizei insgesamt 30 Fälle von Bedrohung, Beleidigung oder Volksverhetzung. Dazu kommen weitere 270 Ermittlungsverfahren wegen der Verwendung von verbotenen Parolen und Emblemen, vor allem bei Fußballfans.

Im engeren Sinn bestehe die Neonazi-Szene in Mittelfranken aus „einigen kleineren Gruppen", sagt Konopka. Dazu gehören fast ausschließlich 15- bis 25jährige und allenfalls vereinzelt „Opas". Bereits nach der Serie fremdenfeindlicher Anschläge Anfang der 90er Jahre hat die Polizei alle identifizierbaren Mitglieder und Sympathisanten erfaßt, um sie im Fall des Falles in kürzester Zeit überprüfen zu können.

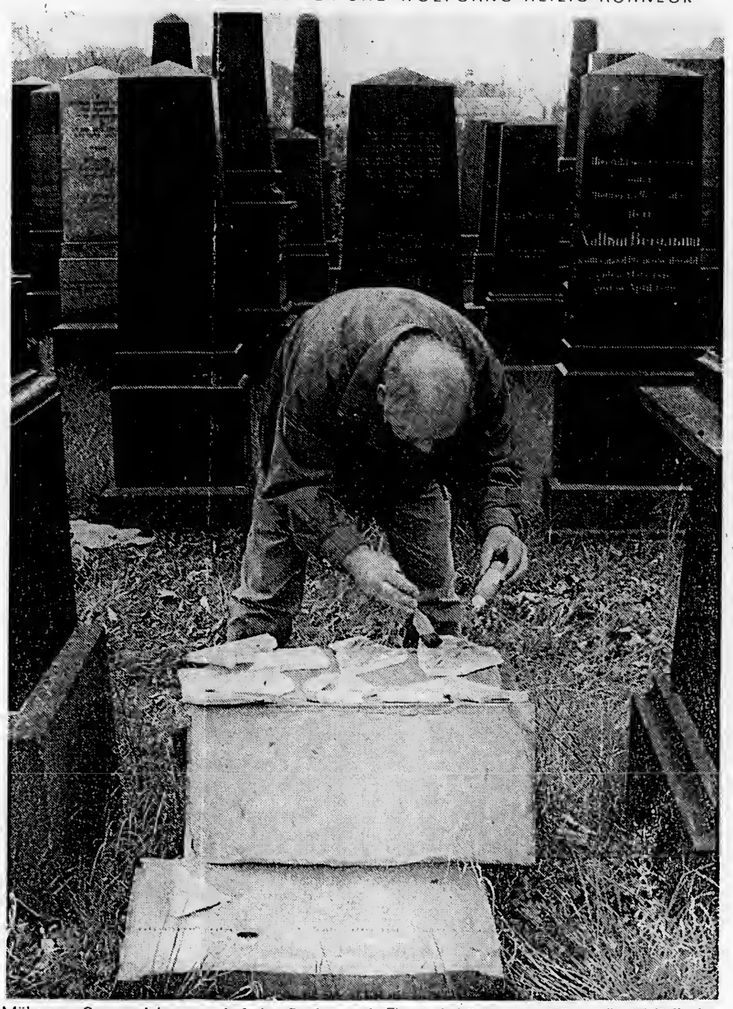
Rund 150 Namen stehen auf der Einsatzliste „Adam", ein Drittel davon in Nürnberg. In den vergangenen Jahren habe es keine großen Veränderungen gegeben, so Konopka. „Aber wir bleiben mit Argusaugen dran und treten ihnen, wo es geht, auf die Zehen." Wenn massive Probleme auftreten, wie zuletzt in Herzogenaurach und einigen anderen Orten im Kreis Erlangen-Höchstadt, versuche die Polizei mit erheblichen Kräften, die Szene zu verkleinern und aufzulösen. Mehrere Wirte einschlägiger Treffpunkte konnten hewegt werden, Neonazis als „unerwünschten Gästen" die Tür zu weisen.

Siebenköpfige Ermittlungsgruppe der Kriminalpolizei soll Schändung des jüdischen Friedhofs in Nürnberg klären

Mit Graphitstaub und Zollstock auf der Suche nach den Tätern

3000 Mark Belohnung ausgesetzt — Alle Anwohner abgeklappert — Restaurierung der 85 zerstörten Gräber kostet bis zu 400 000 Mark

VON GABI PFEIFFER UND WOLFGANG HEILIG-ACHNECK



Mühsame Spurensicherung: Auf der Suche nach Fingerabdrücken der Täter, die 85 jüdische Gräber schändeten, bestäubt ein Polizeibeamter Teile einer zerstörten Inschriftplatte. Foto: Bauer

NÜRNBERG — „Das macht man nicht!" sagt die 61jährige und preßt die Lippen zum wütenden Strich. Die Ansbacherin ist mit ihrem Mann gekommen, um sieh den geschändeten Jüdisehen Friedhof anzuschauen. Nun stehen die beiden, die über zehn Jahre lang in Nürnberg lebten, an der Reutersbrunnenstraße. Kopfschüttelnd blikken sie auf die Lüeken in der hüfthohen Mauer und den rostigen Staehel-draht, der mürbe zwisehen windschiefen Streben hängt.

Hätte eine stabile Mauer die unbekannten Täter, die irgendwann zwischen Freitag mittag und Montag 85 Grabsteine umgestürzt oder zerschlagen haben, abgehalten? Das bezweifelt auch Arno Hamburger, Vorsitzender der Israelitischen Kultusgemeinde Nürnbergs: „Man kann einen Friedhof nicht so absiehern, daß das nicht geschehen könnte." Die Polizei fährt die Begräbnisstätte in Gostenhof regelmäßig an, in Sieht- und Hörweite leben mehrere hundert Anwohner.

Ratlose Nachbarn

Doch die sind ratlos. „Ich kann mir nicht erklären, wie einer da draufkommt", sagt Peter Eichhorn (21), der in einem Hochhaus an der Reutersbrunnenstraße wohnt. Wenn jemand etwas gesehen hätte, hätte er doch die Polizei angerufen ... Das sagt auch Zeki Korkmaz (24), der von seiner Dachwohnung in der Bärenschanzstraße aus direkt über den Friedhof blickt. Doch der Fotolaborant war in der vergangenen Woche abends bei seinen Eltern.

Nicht einmal Tatjana Hecht (50), die auf dem Gelände wohnt, hat etwas bemerkt. Denn bis zum anderen Ende, wo die Täter wüteten, sind's etwa 150 Meter. Das hat die Bildhauerin auch den Polizeibeamten gesagt, die inzwischen die gesamte Nachbarschaft abklappern. „Wir ermitteln in alle Richtungen" antwortete die Polizei gestern auf alle Fragen nach neuen Erkenntnissen oder einem ersten Verdacht. Eine Standardauskunft für alle ungeklärten Fälle.

Offenbar haben die Beamten bisher wenig in der Hand — oder wollen entscheidende Beweise nicht preisgeben, solange die Verdächtigen nicht überführt sind.

Daß rechtsradikale Halbstarke am Werk gewesen sind — wie es der Tatzeitpunkt um den 20. April (Hitlers Geburtstag) vermuten läßt — ist bis jetzt durch nichts belegt. Dennoch wird sich eine siebenköpfige Arbeitsgruppe der Kripo alle Aktivisten vorknöpfen, die schon einmal im Dunstkreis der Neonazi-Szene aufgefallen sind. *(Siehe nebenstehenden Kasten)*

Zudem bittet die Polizei Anwohner, Autofahrer und Passanten „selbst harmlos erscheinende Beobachtungen aus den vergangenen Tagen" unter der Telefonnummer 2 11 27 77 mitzuteilen. Am Freitag nachmittag vor einer Woche war nach Aussage eines Zeugen auf dem Friedhof noch alles in bester Ordnung. Die Täter waren also vermutlich am Wochenende eingedrungen. Für die entscheidenden Tips hat das Landeskriminalamt 3000 Mark Belohnung ausgesetzt. Innenminister Beckstein verspricht, die Aufklärung des Falles mit „jedem nötigen Aufwand" voranzutreiben.

Suche nach Fingerabdrücken

Doch im Moment bleibt nur, das Geschehene zu dokumentieren und nach Hinweisen auf die Täter zu suehen. Beamte der Spurensicherung hantieren zwischen umgestürzten Steinen mit Zollstock und Graphitstaub. Der Fingerabdruck führt garantiert zum Täter — und irgendjemand muß die Platte mit der Inschrift ja angefaßt haben. *Nachdem* er sie wohl mit beträchtlicher Gewalt und einem Werkzeug heruntergeschlagen hatte und *bevor* er sie fünf Meter weit über den Weg schleuderte und gegen unversehrte Grabsteine schmetterte.

„Ruhe sanft" ist dort eingemeißelt. „Dem Auge fern, dem Herzen ewig nah" oder „Grenzstein des Lebens, aber nicht der Liebe". Letzte Botschaften der Lebenden an ihre Toten. Daß deren Ruhe nun so brutal gestört wird, ist gerade für Juden schwer zu ertragen. Der Friedhof — auf Hebräisch auch „Haus des Friedens" oder „der gute Ort" genannt — ist heilig, erläutert der Publizist Leibl Rosenberg. Denn dort warten Seele *und* Körper der Verstorbenen auf ihre Auferstehung. Deshalb ist die Erdbestattung die Regel, werden Gräber niemals aufgelassen. Den Friedhof als Erholungsstätte zu nutzen oder ihn zu queren, um einen Weg abzukürzen, ist undenkbar.

Um Nürnberg verdient gemacht

Über die Unantastbarkeit der Gräber haben sich die Täter hinweggesetzt. Auch über die Inschrift „Friede ihrer Asche" am Grabmal der Brüder Frankenburger. Die Urne ist vom Sockel gerissen, aus dem Stein ein großes Stück herausgeschlagen. Beide Brüder, die sich nach der Reichskristallnacht das Leben nahmen, hatten sich um Nürnberg verdient gemacht: Leonhard als hochdekorierter Jurist, der Geheime Sanitätsrat Alexander führte die Tuberkulosefürsorge ein.

85 geschändete Gräber. Schon gelten die Gedanken auch der Zukunft: Soll man die Steine als Mahnmal so liegen lassen? „Nein, das haben die Leute nicht verdient", sagt Hamburger. Zumindest eine Tafel mit dem Namen des Toten und einem Hinweis auf die mutwillige Zerstörung müßte angebracht werden, die Steine vielleicht sogar restauriert. Das wird teuer: Bis zu 400 000 Mark, schätzt Hamburger.

Nürnberger Zeitung vom: 23. April 1999

Jagd auf Friedhofsschänder

Nürnberger Kripo bildet spezielle Arbeitsgruppe

NÜRNBERG (NZ). — Um die Täter zu fassen, die auf einem jüdischen Friedhof in Nürnberg 85 Gräber geschändet haben, hat die Polizei jetzt eine Belohnung ausgesetzt. Zur Aufklärung der Tat wurde von der Kripo eine vierköpfige Arbeitsgruppe eingerichtet.

Nach Oberbürgermeister Ludwig Scholz und den Grünen haben gestern auch die SPD-Fraktion und Vertreter der evangelischen Kirche den Anschlag verurteilt. Es handle sich dabei um den schlimmsten Fall einer Schändung von jüdischen Gräbern in der Stadt, deren Ruf ohnehin durch die Reichsparteitage belastet ist.

Der sonst so stille und kaum bekannte Alte Israelitische Friedhof an der Bärenschanzstraße erhielt gestern Besuch von zahlreichen Medienvertretern. Auch Ermittler der Kriminalpolizei suchten nach Fingerabdrücken und Fußspuren, die einen Hinweis auf die Täter liefern könnten. Noch tappt man allerdings im dunkeln. Als möglicher Täterkreis komme auch die rechtsradikale Szene in Frage, hieß es seitens der Polizei. Ein Anlaß für die Verwüstungen könnte Hitlers Geburtstag am 20. April sein. Als Tatzeitraum wird der 16. bis 21. April angegeben. Entdeckt wurden die Zerstörungen auf dem gerade sanierten Friedhof von einem Arbeiter am vergangenen Mittwoch.

Inzwischen bittet die Kripo auch die Bevölkerung darum, bei der Aufklärung der Tat mitzuhelfen. Das Bayerische Landeskriminalamt hat eine Belohnung von 3000 Mark ausgesetzt.
(Siehe Kommentar Seite 2)

Unsere Meinung

Die nächtliche Schändung des jüdischen Friedhofes

Schlimm für Nürnberg

Menschenrechtspreis, Dokumentationszentrum, eine Vielzahl zeitgeschichtlicher Tagungen und Kolloquien — Nürnberg läßt wahrlich nichts unversucht, um den Makel zu tilgen, den es als einstige Stadt der Reichsparteitage und der Rassengesetze seit einem halben Jahrhundert trägt. Andere Städte, etwa München, mögen sich den Braunen weitaus bereitwilliger ergeben haben. Doch in Nürnberg wird die Vergangenheitsbewältigung ungleich intensiver betrieben.

Die Bemühungen um eine Ansehensverbesserung und eine Aufhellung der jüngsten Geschichte haben durchaus Erfolg. Die Stadt, deren Name so lange für nazistische Verblendung stand, wird inzwischen selbst im hitlergeschädigten Ausland für ihren aufklärerischen Impetus gelobt.

Da ist die Schändung des jüdischen Friedhofs natürlich eine mittlere Katastrophe. Auch wenn derlei Exzesse, Gott sei's geklagt, in Deutschland nicht eben selten sind — wenn in Nürnberg solche Zerstörungsorgien stattfinden, werden Vorurteile und Klischees mit besonderem Eifer hervorgekramt: Da sieht man's wieder, die Leute haben nichts gelernt und nichts begriffen.

Judenfeindlicher Exzeß oder zielloser Vandalismus? Es ist durchaus denkbar, daß es die schiere Lust an Provokationen und Tabuverletzungen war, welche die Friedhofsschänder angetrieben hat. Es ist ja so einfach: Man vergreift sich an jüdischen Grabstätten, und schon ist man in aller Munde. Das Ausland spitzt die Ohren, die Stadt ist ins Zwielicht gerückt, die Politiker sind wortreich um Schadensbegrenzung bemüht — für Leute mit gestörter Psyche oder für aufsässige Halbstarke ist es eine verlockende Vorstellung, ohne sonderliches Risiko Aufregung und hilflosen Zorn zu produzieren.

Möglich aber auch, daß in Gostenhof tatsächlich notorische Judenhasser und Neonazis am Werk waren. Am Geburtstag des Braunauers ein makabres Signal setzen, das mag das Pack schon reizen. Allerdings bleiben diese Leute meistens in Deckung und scheuen die Aktion; sie ziehen lieber per Internet ihre Fäden oder tauschen via Diskette Konzepte über die neuerliche Installierung eines Führerstaates aus.

Zu fassen sind die klammheimlichen Hitler-Verehrer jedenfalls nicht so leicht, und eben dies macht sie so gefährlich. Ihre biedermännische Tarnung ist perfekt, ihre Effizienz beträchtlich. Was bei Parolenschmierern und Friedhofsschändern nachgeäffte Phrasen sein mögen, ist ihnen bitterer Ernst: Sie wollen zurück zu einem Deutschland, das seine Nachbarn das Fürchten lehrt und weder Ausländer noch Juden duldet.

Kurzum, die Deutschen müssen wachsam bleiben. Und die Nürnberger mit ihrer problematischen Geschichte sollten ganz besonders auf der Hut sein. Das gilt auch für den Fall, daß sich die Friedhofsschänder tatsächlich als unpolitische Deppentruppe entpuppen sollten.

RAINER HAJECK

Nürnberger Nachrichten
27. Mai 1999

Gutachten zu Gräberschändung

„Kinder hatten genügend Kraft“

Statiker erforschte Standfestigkeit der Steine — Ermittlungen beendet

Die Schändung des alten jüdischen Friedhofs in Gostenhof vor gut einem Monat scheint endgültig geklärt: Grundsätzliche Zweifel, ob zwei elf und zwölf Jahre alte Buben die mehr als 80 Grabstätten beschädigen und schwere Steine umstoßen konnten, sind nun durch ein Gutachten der Landesgewerbeanstalt (LGA) ausgeräumt.

Die Zerstörungen hatten weltweit Aufsehen erregt. Allein sehon wegen der Nähe zum 20. April, dem Geburtstag Hitlers, stand ein politiseh motivierter Ansehlag zu befürehten. Die Nürnberger Kripo durehleuehtete deshalb aueh die reehtsextreme Szene.

Befragungen in der Naehbarsehaft und ein Hinweis aus der Verwandsehaft von einem der beteiligten Kinder führten die Ermittler sehließlieh jedoch — *wie ausführlich berichtet* — auf die Spur der beiden strafunmündigen und bisher unbeseholtenen Jungen. Sie wohnen in der Umgebung der Ruhestätte und waren sieh der besonderen Bedeutung und Würde der Friedhofs anseheinend nieht bewußt.

Beide erläuterten den Beamten minutiös, was sie auf dem Gelände getrieben hatten. Nachdem ein Stein umgekippt war, an den sich einer von ihnen nur „angelehnt“ habe, wollten sie angeblieh die Standfestigkeit weiterer Grabmäler erproben. Dabei steigerten sie sieh in eine Art Kraftprobe hinein — vor allem um zwei gleichaltrigen Mädchen zu imponieren.

Genaue Erinnerungen

„Mehr als 80 Prozent der besehädigten Steine und der zerbroehenen Urnen konnten die Kinder dureh ihre Erinnerung genau bezeiehnen“, erläutert Kripoehef Jürgen Straub. Das habe eine erneute Begehung und Rekonstruktion des Geschehens mit den Buben ergeben. Parallel dazu nahm ein Statiker der LGA im Auftrag der Kripo die Gräber unter die Lupe.

Aufgrund des Zustands der vorwiegend betroffenen Sandsteine und ihrer Verankerung ermittelte er, wieviel Energie in welcher Höhe sie zum Kippen bringt. Ergebnis: Die 42 und 46 Kilogramm schweren Buben konnten kleinere Grabsteine ohne weiteres alleine umstoßen.

Manehmal genügte schon bloßes Drücken ohne viel Sehwung. Bei größeren Steine haben sie wohl gemeinsam Hand angelegt. Für die Kripo sind die Ermittlungen damit abgeschlossen. Wann die Instandsetzungsarbeiten beginnen und wie sie finanziert werden, sei noch offen, erläutert Rudi Ceslanski von der Israelitischen Kultusgemeinde. In den kommenden Woehen sollen die Schäden zunäehst genau dokumentiert werden. woh

Nürnberger Zeitung
27. Mai 1999

LGA-Experte untersuchte die Grabschändungen

Gutachten untermauert Geständnis der Kinder

Ein jetzt vorliegendes Gutachten der Landesgewerbeanstalt Bayern (LGA) untermauert das Ermittlungsergebnis der Polizei, wonach die Grabschändungen auf dem jüdischen Friedhof von Kindern begangen wurden.

Wie ausführlich berichtet, waren im April 83 Grabsteine und sechs Urnen umgeworfen und demoliert worden. Die Tat löste allgemein Entsetzen und Betroffenheit aus. Wegen des Ausmaßes der Zerstörungen und weil ein zeitlieher Zusammenhang mit dem Geburtstag Adolf Hitlers nieht auszusehließen war, ermittelte die Polizei in der reehten Szene. Da aber viele Anwohner von spielenden Kindern auf dem Friedhofgelände beriehteten, wurde aueh die Möglichkeit eines „Dummen-Jungen-Streiches“ überprüft. Sie stellte sieh letztendlieh als richtig heraus. Zwei Buben im Alter von elf und zwölf Jahren gestanden die Tat. Sie hätten die Grabsteine auf „Standfestigkeit“ überprüfen wollen, naehdem einer dureh bloßes Anlehnen umgefallen sei.

Um diese Version zu untermauern, gab die Polizei ein Gutaehten bei der LGA in Auftrag. Vor allem Arno Hamburger, Vorsitzender der Israelitisehen Kultusgemeinde, hatte auch naeh dem Geständnis der Buben Zweifel geäußert, daß hier nur Kinderhände am Werk gewesen seien. Der LGA-Gutachter kam jetzt allerdings zu dem Ergebnis, daß die zwei Jungen ohne weiteres in der Lage waren, kleinere Grabsteine alleine und größere gemeinsam umzustoßen. Ein Teil der Steine habe schon dureh bloßes Drüeken ohne viel Sehwung zum Kippen gebraeht werden können.

Die Rekonstruktion des Tatgesehehens habe außerdem zu dem Ergebnis geführt, daß bei den beteiligten Kindern vielfach Erinnerungen an die einzelnen Grabsteine bestehen. „Aufgrund der absehließenden Ermittlungen steht damit zweifelsfrei fest, daß das gesamte Ausmaß der Zerstörungen auf das Konto der Kinder geht“, urteilt die Polizei. Eine Tatbeteiligung anderer Personen „kann ausgesehlossen werden“. *ch*

Polizeidirektor Hermann Müller nahm nach der Tat mit Innenminister Günther Beckstein und dem Kultusgemeinde-Vorsitzenden Arno Hamburger (v. l.) die Grabschändungen in Augenschein. Archivfoto: Sippel

Description of Gisela Naomi Blume book on old Jewish Cemetery of Fuerth

The old Jewish Cemetery in Fürth was used for 300 hundred years. The first burial found was in November 1607; the last in April 1936. During that period there were approximately 20,000 burials. Today, approximately 6,300 tombstones still exist; the oldest still legible stone dates from 1654. The tombstones of the old Jewish cemetery reflect the history of the important Jewish community of Fürth, that had an outstanding role in the 17th and 18th century in Germany. Buried in the cemetery are major scholarly rabbis of international reputation such as Baermann Fraenkel (about 1670-1708) and Joseph Steinhart (1700-1776) as well as the important publishers, Jehuda Schneior (died 1713) and Isaak David Zirndorfer (1776-1855). Many of the names had a decisive impact on the economy, politics, public life and culture in Fürth and are still present through foundations or street names in the city, such as Alfred Nathan (1870-1922), donor of the Nathan Foundation and Honorary Citizen of the city Fürth. Fürth experienced in the 19th century a rapid economic upswing, representing the pencil manufacturer Leopold Ilfelder (1809-1901), the banker Salomon Berolzheimer (1811-1886), the brewery owner Wilhelm Mailänder (1820-1871) as well as the mirror manufacturer and royal Bavarian Commercial agent Ludwig Bendit (1825-1908). The 400 page book richly illustrates *The old Jewish Cemetery in Fürth, 1607-2007. History -Discussion ~ Documentation* begins with introductory essays on the history of the cemetery, on the nature of Jewish burials, on the dead person-brotherhood (Chewra Kadischa) as well as on the Jewish calendar. In this section, a whole set of up to now publicly unknown plans are presented in pictorial representations and photos drawings first time. The second part of the book includes approximately 250 tombstones from the 17th to the 20th century with transcriptions and translations of the Hebrew inscriptions as well as biographical statements for the deceased.

Chronicles of the Jewish Community Fuerth 1933 - 1943

originally compiled by Grete Ballin and edited by Hugo Heinemann

translated by Willie Glaser

Home / Imprint
Impressum

Contents

Personal Note by Willie Glaser
Foreword by Hugo Heinemann
1933
1934
1935
1936
1937
1938
1939
1940
1941
1942
1943
Willie Glaser: The "final solution" for the Jewish community in Fuerth
Willie Glaser: Anatomy and logistics of the Fuerth deportations

Top

Personal Note

I consider the chronicles as compiled by Miss Grete Ballin to be the only known recording of the of events during the Hitler years 1933-1943 in the Jewish community Fuerth. The Ballin chronicles are a historic document worth a place in the annals of the destruction of the Jewish community Fuerth and other Jewish communities in Germany.

Willie Glaser

>do this as a pre-conference workshop, or sometime during the course of
the
>conference.
>
>However, keynote and workshop content is flexible, depending on
conference
>focus. The industrial ecology community is a great one to support, and
>we'd like to participate where we can.
>
>Please look over the attachments for other options, and let me know
what
>sounds interesting. Until then, best luck in organizing the conference.
>
>--
>David Jaber
>Natural Logic
>510-849-5467
>djaber@n...
>www.natlogic.com
>_____
>Making sustainability a strategic driver of exceptional performance
>
>
>
>

Attachment (not stored)

GilFriend_Bio+Topics'04gf.doc
Type: application/msword

Attachment (not stored)

MeasuresThatMatter-NatLgc.pdf
Type: application/pdf

Beverly Chevalier
Program Coordinator
International Society for Industrial Ecology
c/o School of Forestry and Environmental Studies
Yale University
205 Prospect Street
New Haven, CT 06511-2189 USA
Phone: (203) 436-4835
Fax: (203) 432-5556
www.is4ie.org
is4ie@y...

Top

Foreword by Hugo Heinemann

"The history of the Jews in Fuerth" has been documented extensively, which in part is also the foundation on which this document is based. However, the circumstances of these accounts are unique. They were written in 1943 by order of the secrete state police Nuremberg-Fuerth (its purpose could not be ascertained). As a result only the important moments from the Geschichte der Juden in Fuerth [The story of the Jews in Fuerth] from 1939-1943 could be hinted at. In which way the events played out and the effects, can not be described in detail. The description of the night of November 9 and 10 alone, with its consequences for the Jews, or the transports to the east and to Theresienstadt would fill volumes. Only very few of the people involved ever returned, they are the ones to bear witness.

This chronicle was assembled by the former and last secretary of the Jewish Community Fuerth, Miss Grete Ballin, who herself became a victim of the National Socialist exterminators.

For the development of the history of the Jews in Fuerth only scant community statistics and other materials were available. The largest portion of the files of the previous Jewish community Fuerth (Israelitische Kultusgemeinde Fuerth) was lost when the community houses located in the Schulhof (Synagogue square) were destroyed in November 1938 by fire. Community statistics were used again beginning 1939.

Top

The Chronicles

1933

The seizure of power by the NSDAP (Nationalsozialistische Deutsche Arbeiterpartei), the National Socialist German Worker Party, brought about a total change in community life and in the lives of every Jew. In the course of the enforced conformity [Gleichschaltung], Jews were removed from the public, sport and other clubs, state positions, theatre, lecture and concert halls and places of amusement. By necessity, the Jews were forced into small circles, a sort of mental ghetto, which revolved around the community house as it existed before the equal rights law.

During this time, Dr. Salomon Levy, who became the new syndic [chief magistrate] on February 28, 1933, proved to be of invaluable help. Under his steadfast and purposeful leadership the whole tenor of the community changed, which up to now had mainly served the religious needs of its members, instead it developed into a center for the social and intellectual life of the Jews. A library and reading room was installed and space was set aside for lectures and other functions. An advisory office was opened for people wishing to emigrate, change profession , look for a new job or in need of assistance in other ways. The advisory office in Fuerth also served the smaller country communities. Jewish lawyers supplied legal advice to

Now with 100MB free storage.
NEW AND IMPROVED Y! MAIL

Messages

From: International Society for Industrial Ecology <is4ie@y...>
Date: Mon Nov 15, 2004 8:27 am
Subject: Fwd: ISIE 2005--Speaking Submissions

Home
▶ **Messages**
Post
Chat
Files
Photos
Links
Database
Polls
Members
Calendar

Promote

= Owner
= Moderator
= Online

>Date: Thu, 11 Nov 2004 18:26:08 -0800
>From: David Jaber <djaber@n...>
>User-Agent: Mozilla/5.0 (Macintosh; U; PPC; en-US; rv:1.0.1)
>Gecko/20020823 Netscape/7.0
>X-Accept-Language: en-us, en
>To: is4ie@y...
>CC: Gil Friend <gfriend@n...>
>Subject: ISIE 2005--Speaking Submissions
>X-Loop-Detect: 1
>X-YaleITSMailFilter: Version 1.1e (attachment(s) not renamed)
>
>I'm very interested in speaking opportunities, for next year's conference
>in Sweden.
>I'd like to discuss with you and the other conference decision-makers on
>the specific themes of
>interest for 2005, and the best ways we can support them.
>
>A couple of thoughts to feed the conversation:
>1. Keynote opportunities. My colleague, Gil, who spoke at the past ISIE
>and whom you may well know, has keynoted several conferences over the past
>year (Greening of Industry, CoopAmerica, etc.) on "State of
>Sustainability". Given the response, it's a great overview for many audiences
>
>2. Workshops. Our Measures That Matter workshop helps teams identify
>environmental and quality of life indicators, and establish a system by
>which to track, evaluate, and benchmark performance trends. We'd love to

ADVERTISEMENT

get what you need
at the prices you love

Target.com ▸

the indigents free of charge. Educational courses in language, commerce, home economics and dress and pattern making were offered to prepare people for new occupations and to advance their chances for emigration. Concerts and lectures with entertaining and educational topics were organized, many of which took place in the synagogue. An extensive library and a reading room was available to members including those from the small country communities. The community tried to support its members with economical and spiritual help, which was needed more than ever.

Because of rising unemployment amongst the Jews of Fuerth, the demands on the welfare center of the community became a great challenge, the only help was the sacrifices by the Jews of Fuerth and the donations by Jews of Fuerth who emigrated.

Ongoing care for the sick became a necessity. More than ever it was necessary to look after doctors and medications. Funds had to be found to take care of convalescent care for sick children and adults, as well for emigration aid, which was centralized in Fuerth for northern Bavaria.

"Help and Reconstruction", a relief organization, aided in the regrouping and emigration of Jews. It supported those who were facing changes and were ready to emigrate, but it also supplied the needy with sufficient money to buy provisions and pay for the cost of immigration. From the funds of this relief organization, a series of children transports ("Kindertransport") to America, England, France, Holland, Belgium, Sweden and Palestine was arranged. The law to re-establish the career profession (RGBI [Reichsgesetzblatt] I [Vol I], p [page] 175) was published April 7, 1933. It called for officials of non-Aryan ancestry to retire, exemptions only applied to persons, which were employed as officials since August 1, 1914, were front line soldiers or those whose fathers and sons fell during the world war.

The same day a law was passed, as to who was to be admitted to the bar in order to repeal the admission of non-Aryan lawyers retroactive to September 30, 1933. Exemptions were valid to the same extent as the law to re-establish the career profession.

(RGBI I, p 188)

It was decreed with the law from April 22, 1933 regarding the admission to the profession of patent lawyers and attorneys, that non-Aryan patent lawyers on the list of patent lawyers are to be terminated by September 9, 1933. Exemptions are permitted on the basis of the "Law to re-establish the career official profession". (RGBI I, p 217).

At a meeting of the board and inner administrative council on June 21, 1933, it was announced that from now on police permission would have to be obtained for any future gathering.

The "National Association of Jewish Front Line Soldiers" ("Reichsbund juedischer Frontsoldaten") founded a sport club on June 9, 1933, in order to give young Jewish sportsmen and athletes, who had been excluded from German clubs, a chance to continue their physical activities and training. The necessity of such an undertaking was proven by the fact that even before the establishment of the club on June 21,1933, 140 adults and adolescents had signed up for membership. This participation and interest continued as long as the club existed.

In August 1933,Jews were no longer permitted to attend the local river bathing facilities.

At the end of 1933,the national association of Jewish front line soldiers were given the task of taking care of their own war invalids.

A new law was passed limiting the school attendance of Jewish children to 1.5% of the entire student body. This did not apply to children whose fathers were front line soldiers. During 1933, this edict resulted in an increase of Jewish students, who came from other grammar schools or arrived from area communities to

with those reflecting the reality of our place in the world as a part of an interconnected, organic living system.

In closing, I hope that the readers of this article will find a compelling case to rethink whatever they are doing about sustainable development. Sustainability is, as I have said, a radical notion and will take radical actions to create it. Business today controls enormous economic and intellectual resources. This most powerful institution has a choice concerning sustainability: to lead, if it so chooses. So far the business community has not made this choice. Even after considerable research over many years, I cannot find sustainability thinking in a company of any significant size although many are indeed reducing unsustainability. One example, however, that might go as radical is exemplified by BP's Chairman. Sir John Browne, who has committed the corporation to a strategy that eschews dependence of fossil fuels. How successful his strategy turns out to be is a question that can only be answered far in the future, but it demonstrates that radical vision can appear even in the most conservative of businesses.

---

[1] Certification programs came out of voluntary collaborative efforts by business, government, advocacy groups and intergovernmental groups, such as the UN. The MSC was initiated by Unilever and the WWF. Specific fisheries, such as the Alaskan salmon, are certified by independent scientific bodies as to their ability to support sustainable practices. Products from these fisheries can carry a logo so that consumes can use their market power to reward companies engaging in these practices. (See the MSC website: www.msc.org)

[2] Borgmann, A. 1984. *Technology and the Character of Contemporary Life*. Chicago: The University of Chicago University Press.

[3] Tatum, J. S. 1994. 'Technology and Values: Getting beyond the "Device Paradigm Impasse', *Science, Technology, & Human Values*, 19(1):70-87.

[4] See, for example, Walker, S. 2002, "A journey in design: an exploration of perspectives for sustainability", The Journal of Sustainable Product Design. 2: 3-10.

[5] Jelsma, J. "Design of behaviour steering technology", Proceedings of the 2000 International Summer Academy on Technology Studies, Graz, Austria. July 9-14, 2000 (available at http://www.ifz.tu-graz.ac.at/sumacad/sumacad_proc00.html)

attend the Jewish elementary school and the Jewish high school (Realschule).

During a meeting on December 3, 1933 the corporate body of the administration approved the establishment of a loan association.

Top

1934

In January 1934, this project took shape and a district loan association was established to grant loans for productive purposes to the members of the Jewish communities who are members of the rabbinate district Fuerth. This year saw the installation of sewer pipes in the property at Blumenstrasse 31, where Jewish students were housed. An extension was added to accommodate toilet facilities and other structural improvements were undertaken. At that time the membership of the congregation remained at 1500.

Top

1935

At a meeting of the board and the administrative council, it was announced that the city of Fuerth would only permit burials at reserved graves in the Jewish cemetery. Once all these plots were filled, no further burial sites could be added.

On April 1,1935, the membership in the community stood at 1580. The number of Jewish students was 238.

The law from May 21, 1936, excluded Jews from army service (RGBl I, p 609).

On September 15, 1935, a new law was passed "For the protection of German blood and German honour". The first decree to implement this order (RGBI 1S. 1145) had the following drastic consequences for German Jews:

"Jews may remain members of the state, but not of the realm (Reich). They are to forfeit their voting rights and can no longer hold any official position".

Marriage between Jews and citizens of German or similar blood is prohibited, as well as marriages between Jews and those of mixed marriages II grade are prohibited. Jewish civil servants are to retire by December 31, 1935.

Aryan domestics are no longer permitted to work for Jewish families unless they are past the age of 35, nor can any new help be employed, but may be re-hired upon completion of the 45th birthday.

In August 1935, additional construction in the Jewish hospital took place. The court yard building was completely renovated with a mechanical laundry.

the conventional process of design, design, manufacture and marketing. Participation is not the same as opinion seeking and the revealing of preferences. It is a means by which the values of the consumer can be integrated into the product or service to produce a "remarkable new harmony, as they see it, between technology and values."[3] I am not an industrial designer so I do not have much to say about how to create a participatory process, but I am aware of considerable research into this subject, much coming from outside of the United States.[4]

Let me complete the prescriptive part of this article with one more example: designing what has been called 'behavior-steering technology'.[5] Most readers will remember, when seatbelts were first introduced, the ignition was interlocked so that the car could not start until the belt was buckled. The design of the technology forced responsibility on the user. In the American context, this approach was immediately attacked as encroaching on individual liberty and disappeared along with other similar mandates such as requirements to wear motorcycle helmets. It is, however, possible to steer, but not mandate, behavior through design, and circumvent this cultural obstacle to sustainability. To conserve water, many toilets in the Netherlands are equipped with two flush buttons, one large and one small. The user must make a conscious and obvious choice every time. There is no compulsion, but there is an implicit sense of responsibility.

The implications for sustainability are evident and powerful. Sustainability requires responsible, ethical choices everywhere in daily life. Only such ethical behavior will prevent the continuation of unsustainability as an unintended consequence. In the long run, even this technological approach is insufficient. The underlying cultural values of individualism and others representing the world view described above must be replaced

In line with other Jewish communities, the Jewish community Fuerth for the first time carried out the winter aids program ("Winterhilfe") during the winter of 1935/36 according to the guide lines permitted by the national representative for the winter aids program in agreement with the central social welfare center for German Jews. The assistance provided for needy people was in the form of money, food and coal vouchers.

According to the decree issued December 13, 1935, Jews were prohibited from carrying out the law profession.

Top

1936

According to a ministerial resolution issued July 31, 1936, no instructions with a religious curricular is permitted in elementary and high schools. Jewish schools assigned a special status for religious education in Jewish schools.

On October 13, 1936, the Jewish sport and gymnastics club, which was founded in 1934 by the National Association of Jewish Frontline Soldiers, was disbanded because according to an official directive of October 15, 1936, only neutral Jewish gymnastic and sport clubs will be accredited.

October 15, 1936 the "Jewish Sport Club Fuerth was founded. On December 1, 1936 sport grounds and a hall build with corrugated iron sheeting was rented in the upper Karolinenstrasse.

Top

1937

The termination of membership of the officials of the Jewish community in the Bavarian social benefit insurance plan took effect on March 31, 1937. As of April 1, 1937 the officials received social benefit insurance coverage by the association of Jewish communities in Bavaria, which existed until its dissolution on December 31,1939.

It was pointed out in a decree issued by the national minister of education about the legal status of German Jews in the German school system, that Jewish school children were permitted to attend German elementary schools if no Jewish schools were available, in that case collective classes for Jewish pupils have to be set up. Regarding the admission of Jewish students in alternative schools, the determination of the law against crowding in German schools and high schools is relevant, meaning that Jewish students will only be admitted if they represent no more than 1.5% of new admissions. Provisions have been made for prospective candidates for the teaching staff ("Fraenkischer Kurier" newspaper July 15, 1937).

Top

---

convinced that virtually all business, except perhaps for those with only a local presence, will be disappointed and even dismayed with the answers.

If, however, they see this vast unfulfilled world out there as the potential market it really is, they can begin to throw out their current unsustainable strategies and replace them with new ones aligned with sustainability. From a CEO's perspective, this change would be astounding. Instead of always facing the certainty of limits to growth within the basic business (whether explicitly realized or not), and being forced to seek financial gimmicks to keep Wall Street happy, she can understand that sustainability is only a possibility and, therefore, must be attended to every day forever. While material limits will always exist and are bound to become more stringent, the existential hunger of their customers will change as the world changes, but will never go away. A marketer's dream!

Just to bring some reality to this concept, let me give a few examples of products and services that are aligned with sustainability. For example, look at the small home power community in the US, which is comprised by homeowners who purposely design their source of power based on solar and wind power and choose not to connect to the grid. To them, power is not a commodity available by merely actuating a switch. It provides what the philosopher, Albert Borgmann, calls a focal experience; one that satisfies many existential dimensions all at the same time and produces a long-lasting and memorable satisfaction.[2] He points to, for example, the focal experience of a family repast versus the commodified consumption of fast foods.

Such focal experiences involve the actors in design, production, and operation. It is this participation that I see as a critical difference between the home power example and

1938

On February 6, 1938, Jews lost all rights for reduction of income tax (Child benefits).

Beginning January 1938, the city of Fuerth no longer issued identity cards to Jews.

On March 28, 1938, a law was passed regarding the legal relationship of the Jewish community. With this law, the Jewish communities and their organizations lost their status as a public corporation as of March 31, 1938 . From this point in time they have been declared an association, having legal capacity with regards to the civil law. (RGBI. I 1938/S.338).

Furthermore, with the same law the civil employees of the Jewish communities have lost their status as civil employees.

The enrolment of the Jewish community in Fuerth in the association register [of communities] took place on December 15, 1939. By-laws were enacted according the sample by-laws of the National Association of Jews in Germany.

On March 28, 1939, a law regarding the legal relationships of the Jewish communities was issued with the consequence, that government finance offices stopped collecting community taxes (Church tax), which had been previously collected since April 1, 1938. It was decided in a combined meeting of the board and administrative council, that members of the community who had been required by church tax law to pay a church tax would also be required to make a city and country contribution, namely:

As income tax,

15% for assessed persons,

8% for wage earners

from tax on wealth,

15% of assets,

furthermore, church money according to the community scale.

From the income, wage and asset taxes collected, 3/4 went to the Jewish community in Fuerth and 1/4 to the national association [Bavaria].

In April 1938, there were 176 students attending the Jewish high school and 81 students attending the elementary school.

In a decree issued in April 1938 Jews were ordered to declare their entire assets (RGBI I, p 414). A notification was issued on July 23, 1938 regarding the compulsory identification card for Jews.

With the 4th decree to the law for national citizens of July 25, 1938, the approbation of Jewish doctors expired. Permission to practice as physician was only permitted after the national chamber of physicians made a proposal to the interior minister, which was revocable any time. Jewish doctors were only permitted to treat Jews. (RGBI I, p 963).

With the second decree of implementation of the law regarding changes to the family name and first name,

socially created, and can be changed. Rules that internalize social costs and lengthen the accounting period to reflect long-term damages would produce metrics to manage by that could satisfy capital markets, shareholders, and the interests of sustainability. The same argument can be made for GDP, the metric used by policy makers and planners to manage the economy. Suggestions for change to "redefine progress" have been made by many scholars, but will not be accepted by the political world without the strong support of business. Change to these rules would have a profound set of consequences for business. But then, businessmen have always said, "Just tell us the rules and we will learn to compete." Here is an opportunity to test their mettle. Sustainability depends on having metrics for managers that align their self-interests with those of sustainability. None of the above is new or novel; my point is that nothing will happen, given the dominant power of corporations today, unless they learn to collaborate, reflecting their recognition that sustainability is a system property.

Another tack for managers is to critically rethink the core values and mission of their business. They need, as the above analysis argues, to look both at the unsustainability and the sustainability they create. One is not simply the converse of the other. It is relatively easy to measure unsustainability with a number of metrics already developed. It is exceedingly more difficult to assess (I am careful not to use the term measure here) a business' contribution to sustainability. For starters, companies can ask customers how well the products and services satisfy their existential hunger. This is a much more difficult question than simply asking them did we fulfill their expectations—a much narrower topic, and in the case of sustainability, a misleading question. I am quite

issued August 17, 1938, (RGBI I, S. 1044), the order was given that as of January 1, 1939, Jews have to carry an additional given name, namely for male persons the first name Israel and for females persons the first name Sara. In a general decree from the ministry of the interior (1938, Nr. 35) dated August 16, 1938, a decision was made, that German or stateless Jews must use the given name as set out in the attachment to the general decree and that they must use the additional given names of "Israel" and "Sara" in all legal and business transactions.

Mr. Julius Israel Frueh, currently a member of the administrative council of Fuerth, was elected on August 15, 1938 to the board of the community. On August 4, 1938, Mr. Frueh was named chairman of the board of the community. He officiated as chairman of the board till the integration of the Jewish community into the National Association of Jews in Germany. He was the last president of the Jewish community in Fuerth. After the integration of the community [into the National Association of Jews in Germany], Mr Frueh was appointed manager of the administration center Fuerth of the district office in Bavaria.

A decree issued on September 27, 1939, forced Jews to retire from the legal profession; for legal advice and representation for Jews, Jewish consultants were appointed. (RGBI I, p 1403)

During October 1938, 54 Polish Jews living in Fuerth were deported to Poland.

By the end of October and beginning of 1938 all Jews from Zirndorf and other small country communities moved to Fuerth because they could no longer live in their previous residences.

On November 9, 1939, all buildings and synagogues belonging to the community and located in the Schulhof [synagogue square] were destroyed by fire. The real estate holdings of the community in the Schulhof and the land of the two cemeteries will be accredited [to the city of Fuerth] on the bases of a notarial and contractual offer of 100 mark. It was imposed on Jews through the decree from November 12,1938, regarding the restoration of the street image of Jewish industrial enterprises (RGBI I, p 1581), to restore all damages, which occurred on November 8, 9 and November 10, 1938 to Jewish industrial enterprises and homes. The cost of which is the responsibility of the owners of the Jewish industrial undertakings and home owners.

On November 12, 1938, a decree was issued for Jews with German nationality regarding atonement payments, accordingly Jews had to pay 20% of the assets, which were reported to the government on April 26, 1938 (RGBI I, p 1570). A further decree was issued on November 12, 1938 regarding the exclusion of Jews from German commercial activities. With this decree, the operations of ail trade and industrial activity by Jews was prohibited (RGBI I, p 1580).

During 1938, the administration of the Jewish community was moved to the building of the Jewish school in the Blumenstrasse 31. Worship services were only held in the Jewish hospital and in the Jewish orphanage and only according to orthodox rites.

On the basis of the decree of November 19, 1938 regarding the public welfare for Jews (RGBI I, p 1649), the welfare for indigent Jews was transferred to the free Jewish welfare care office. From this point on, the welfare office of the Jewish community was obliged to aid and support all needy Jews living in Fuerth and to take care of all medical treatments, shelter, clothing and nursing.

Starting December 2, 1938, a ban went into effect prohibiting Jews to move to the cities of Nuremberg and Fuerth.

A decree was issued on December 3, 1938 regarding the disposition of Jewish assets (RGBI I, p 1709). The law contained the following instructions: The owner of a Jewish commercial enterprise is given a choice either to dispose of or wind up his commercial activity. Furthermore, a Jew has to relinquish his agricultural or forestry enterprises, his other real estate property or other parts of property has to be disposed of within a certain period. The disposal of real estate requires authorization. Jews may not acquire real estate or rights

Next, I would urge them to adopt the concept of sustainability as I define it as their vision.

Then, business leaders should reflect on this question: Do your products and services create authentic satisfaction rather than delivering momentary relief in a narrow, commodified manner? The former products are sustainable; the latter worsen addiction to the consumption of ephemeral commodities that imperils both the natural and human domains of sustainability. But this fundamental question cannot be answered with the conventional tools of market research; it must rest on an extended dialogue with all the parties of concern.

To shift into a sustainability framework and yet remain within the confines of the dominant competitive market model, the rules of competition need to be changed at both a micro- and macro-level. Such a change can come about by regulatory fiat or by voluntary collaborative action. Business always prefers the latter. Collaboration followed by competition has arguably produced more sustainable outcomes in a few known cases. Standards for natural resource utilization, such as those developed by the Forestry Stewardship Council or the Marine Stewardship Council, seem to be working.[1] In the latter case, recognizing a threat to a key resource, Unilever saw the alignment of its commercial self-interest and that of protecting the natural resource as a win-win case. Such voluntary collaborate/then compete programs are rare today, and face challenges such as free riding and enforceability. But for businesses that rely directly on natural resources, this kind of program nourishes the possibility of sustainability.

Competitive rules such as the definition of profit at the micro level and GDP at the macro level can also be changed by collaboration. Both of these concepts are purely

related to real estate through legal dealings.

The same decree established the compulsory deposit and the ban to acquire to, pawn or to dispose freely of objects of gold, silver, platinum, precious stones and pearls.

Number of members of the community as of December 31, 1938: 975

Top

1939

With the 8th decree to the National citizens law from January 17, 1939, the cancellation of appointments as Jewish dentists, veterinarians and pharmacists was pronounced.

However, dentists could practise their profession until revoked by the minister for the interior (RGBI I, p 47).

According to the circular letter from the National Association for Jews, this association was appointed as the central organization for all Jews in Germany with the exception of the "Ostmark" [occupied Austria]. The Jewish communities remain as branches of the National Association. All other associations (clubs, foundations) with the exception of the Jewish cultural organisation, the Palestine office and the affiliated Palestine fund will be terminated.

On January 30, 1939, the first decree was published for execution of the law regarding the legal measures for the Jewish community associations (Regulations for the by-laws of the associations).

The third regulation arising out of the decree regarding the declaration of Jewish assets was published on February 21, 1939. Accordingly, all Jews had to deliver all objects of gold, platinum, silver, precious stones and pearls to the public purchasing center (RGBI I, p 282).

The members of the Jewish community in Fuerth had to deliver their valuable objects to the municipal loan office in Nuremberg.

In a circular letter from February 25, 1939, the National Association for Jews in Germany ("National Association" will be used in further texts) issued an order to implement the collection of an extraordinary levy (called emigration levy ["Auswandererabgabe"]). From this point in time, emigrants had to contribute to a levy, which had "the purpose to raise the means to implement the goal of the National Association, which was emigration, schooling and social work." From June 1939, the emigration levy was raised and collected by the Jewish community in Fuerth. During this period, some 212,668 Mk from emigration levies were received. According to a decision by the National Association, only the larger Jewish communities were entitled to set the terms and collect the levies. The Jewish community in Fuerth did not fit this category and could not collect this levy. Therefore, during the following period the Jewish community undertook only the preparatory work and calculations, while the final agreements and the collection of levies was the responsibility of the district office in Munich. According to our records, the district office received a further 50,000 Mark in emigration levies from members of the Jewish community in Fuerth.

The law from April 30, 1939, regulates the rental relationship with Jews. (RGBI I, p 864)

In April 1939 the students in the Jewish elementary school numbered 43, in the Jewish high school 53.

unsustainability, sustainability cannot come forth until these very deep structures are changed. The cultural structures of our modern world reflect the values and beliefs of the Enlightenment and of its social reality—modernity. We see the world as a machine with the human species existing outside of the rest of the living and inanimate world. In theory, we can know everything by scientifically piecing together knowledge of all the parts. Our view of ourselves is that of autonomous, isolated individuals driven only by (economic) self-interest. Business is focused only on efficiency; concerns over equity and justice are left to others to handle.

All of these notions are in question today as we learn more about the complex living system of which we are merely a part. Now we must think in terms of holism, complexity, and even accept the fact that we can never understand the system in terms of determinate laws. If we reflect a bit, we do know that we are part of an interconnected system, and that our beliefs about autonomy are outmoded. Modern psychology and sociology suggest that selfishness is not an inherent part of our human nature, holding out hope that we can create cultures where the huge externalities of today recede.

Now having argued for a completely new vision and agenda, what can and should business be doing about it. Since it is one of my deep beliefs that problems such as these can only be dealt with by a collaboration of all those involved, not by experts, I will be very cautious about prescribing solutions. But if asked, I would first urge managers to reflect deeply and look for signs of shifting-the-burden, asking this question, "Are we (am I) creating sustainability or reducing unsustainability?" Keep in mind that sustainability requires more than a technological fix. Reducing unsustainability is not the same as creating sustainability.

The liquidation of the Jewish district loan bank was concluded on May 5, 1939.

The Jewish community established a residential hostel for 12 persons in a rented Jewish house in the Lindenstrasse 22, to house Jews who had to vacate their dwellings in Aryan houses. This was according to an order issued by the municipal housing office on April 30, 1939, thereby freeing 9 Jewish dwellings. The Jewish community reconditioned the hostel at a cost of about 4000 Marks and missing operating and furnishings objects were installed. An administrator couple attended to the occupants for a reasonable boarding house fee. The hostel was maintained till April 1942.

From this time on, the municipal housing office used the Jewish community for liaison purposes more frequently in matters of lodgings for Jews. The Jewish community assigned an assistant to handle only matters relating to shelter issues. This special assistant had to look after the communications with the municipal housing office and adequate accommodation for the Jews in Fuerth. In accordance with the wishes of the municipal housing office to free up more dwellings and to remove Jews from Aryan houses, the Jewish community rented more homes, which were reconditioned at the expense of the Jewish community and were to be occupied by Jewish families. As of August 1939, shelter was provided accordingly:

- In the Friedrichstrasse 14 17 persons
- At the Bahnhofsplatz 1 12 persons
- At the Bahnhofsplatz 4 23 persons
- In the Julienstrasse 2 9 persons

Apart from the so called "Jew houses", 21 Jews were also sheltered in Hindenburgstrasse 29 (which also was designated as a "Jew House"). Contrary to the operation of the hostel in the Lindenstrasse 22, these dwellings provided a common use of the kitchen.

During June 1939, 20 Poles [Jewish] who lived in Fuerth were deported; 9 were deported to Poland or went abroad, the rest received an extension of their residence permit.

The 10th by-law to the national citizen law from July 4, 1939 (RGBI I, p 1097) decided basically the following:

"The Jews will be gathered in a National Association ...

"The National Association will serve as a local branch of the Jewish community ..."

"The National Association had the purpose to advance the emigration of Jews."

"In addition the National Association is:

1. Bearer of the Jewish school system,

2. Bearer of the free welfare work."

Effective July 1, 1939, the only levies raised by the Jewish community were for the account of the National Association. The calculation for the year 1939 was:

At least 25% for income tax and a 200% tax on assets.

Of the levies received as of June 30, 1939, which were shown as receipts by the Jewish community, one quarter was forwarded to the district office Bavaria in Munich.

As of July 1,1939, no more allotments were set aside for the district office.

Dignity, for example is one of these qualities. The earliest philosophers recognized dignity as something special and essential to the "good" life. Dignified people live by their own values free from domination. Authenticity, an expression of the fullness of satisfaction that follows action, is another. Simply consider the difference between fast food and the delight of a family repast, or the difference between running on a treadmill while watching television and completing a 10K race, and you will recognize authenticity.

Social critics like Lewis Mumford have warned that technology can erode dignity as well as authenticity. Jokes about the demeaning process of programming a VCR touch this nerve, if only lightly. So does the experience of obtaining "help" via automated phone lines. The loss of authenticity, which occurs when our inner sense of satisfaction and wholeness wanes, is perhaps a critical factor in the addiction to consumption and mood of resignation that follows the growth of technological modernity.

So let me come back to this definition and repeat it once more. *Sustainability is the possibility that human and other forms of life will flourish on the Earth forever*. In sustainable development, sustainability appears in the form of an adjective. The noun is still development; no matter how hard one tries to find something different about it. In the new form, sustainability becomes the noun, the subject, the focus—quite a difference, especially since we have been accustomed to think about economic development as economic growth.

A second systems problem is failure to recognize that the causes of unsustainability spring from the deepest cultural structures that shape everyday activities throughout the modern world. And just as technological quick fixes cannot solve the evident problems of

In line with the closure of Jewish associations, the closure of the Jewish sport club and the Jewish women's association took place on July 31, 1939.

During July 1939, the Jewish community and a toy manufacturer mutually agreed that the manufacturer will provide ongoing home work for Jewish women. The Jewish community provided a room in the school building, in which home work could be carried out. Some of the women worked in their own homes. This was the first small achievement for the Jewish community to bring back members of the community who were able to work into the labour force. It became possible for a number of employable Jewish men to work as construction workers.

On August 22, 1939, the Jewish community made a proposal to the secret state police and the Fuerth police department , that during the coming high holidays a liberal parallel prayer service may take place in the auditorium of the Jewish school in the Blumenstrasse 31. This proposal was approved.

On September 17, 1939, the director of the Jewish community received an oral order from the secret state police in Nuremberg, that Jews must stay indoors between 8 o'clock in the evening and 6 o'clock in the morning.

On September 19, 1939, Fuerth had to absorb 39 Jewish migrants from the western territories. During October 1939, a further 13 migrants arrived in Fuerth and in November another 10 migrants arrived. Altogether 62 Jewish migrants were referred to Fuerth, amongst them 10 children from the orphanage in Esslingen, they were absorbed into the local Jewish orphanage. The rest of the migrants were lodged with Jewish families. In 1940, some of the migrants were able to return to their former place of residence. The rest had to join the emigration transports in 1941/42, partly to Poland and Riga, and partly to Theresienstadt.

On September 24, 1939, the Jews of Fuerth received a demand to surrender all radio receivers to the police.

In a circular letter dated September 25, 1939, the Jewish community advised its members, that according to the official order the purchases of food supplies in food stores, designated by the secret state police, can only take place between 3 and 5 o'clock in the afternoon on week days, with the exception of Saturdays.

The Jewish schools in Fuerth: The private Jewish high school and the Jewish elementary school were taken over by the National association (Paragraph 6 of the 10th decree of the national citizens law).

Through the 2nd implementation decree regarding the amending of indemnification [Suehne] from the Jews from October 13, 1939, the levy on Jewish assets to attain the amount of one thousand million Reichsmark was raised from 20 % to 25 % of the assets (RGBI I, p 2059).

On October 23, 1939, the Jewish community office released by-laws which were prepared on the bases of the sample by-law of the National Association.

The chief of the security police and the security service [SD = Sicherheitsdienst = security service] from October 23, 1939, which decreed the integration of the Jewish orphanage in Fuerth with that of the National Association. The assets of the institution in the course of the year consisted of charitable donations and memorial endowments, which were collected to remember deceased persons. The monies collected amounted to about 700,000 RM and were transferred to the National Association. After the integration, the institute was renamed and carried on as "Children's Home Fuerth of the National Association for Jews Fuerth/Bavaria."

On December 15, 1939, the following entry was made in the association register:

"V.R.V. - 15. 12. 39. Jewish community Fuerth, a registered association Fuerth, established with the statutes from October 23, 1939. The chairman represents the association legally and non-legally. Chairman: Julius

seen as a systems failure that requires a more fundamental attack. The problem, here, is partly due to confusion between sustainable development and sustainability. For the term sustainable development is an oxymoron: economic development itself undermines the very roots of sustainability.

Almost completely missing from managing the problem-solving activities of today is a vision of a sustainable world, let alone a clear notion of what sustainability is. No wonder that we drift occasionally forward but mostly sideways or backwards. To be a powerful force for re-designing the present, hurting world, sustainability needs to avoid becoming just another thing to measure and manage. At the same time we need a term that will bring forth an image of the world we hope to create for ourselves and for the future.

I define sustainability as "the *possibility* that human and other forms of life will *flourish* on the Earth *forever*. Possibility may be the most powerful word in our language because it enables humans to visualize and strive for a future that is not available to them in the present. Possibility speaks to us about bringing forth something we desire out of nothingness. Ortega y Gasset captured the essence of possibility, writing, "Life is a series of collisions with the future; it is not the sum of what we have been, but what we yearn to be."

For life other than human beings, flourishing is about survival and maintenance of species. For human beings, flourishing goes beyond our sense of belonging and thriving in the natural world. Hans Christian Anderson said, "Just living is not enough... One must have sunshine, freedom, and a little flower." Flourishing also involves the attainment of a few very special qualities that constitute our species as different from other life forms.

Israel Frueh, merchant in Fuerth".

The national minister for science, education and public education in agreement with the national minister of the interior ordered the integration of the "Association of the Jewish high school" into the National Association of Jews in Germany. The assets of the association (school) in the amount of 32,000 RM was transferred to the National Association.

End of December 1939 - beginning 1940,assets of nearly all Jews living in Fuerth were placed under security directive.

On December 31, 1939, the Jewish community counted only 623 members compared to a membership on January 1, 1939, with 975 members a reduction of 352 members which can be attributed to the emigration of Jews from Fuerth.

The disbursements of the Jewish community in 1939 were:

For emigration and occupational changes RM 35,900

For social welfare and accommodation aid RM 75,700

For education purposes RM 44,000.

The assets of the Jewish community (without assets from endowments, assets of the school and assets of the Jewish orphanage), amounted on December 31, 1939 to RM 402,000.

Top

1940

On January 1, 1940, the assistance bank of the union of Bavarian Jewish communities, of which the community in Fuerth was a member, was dissolved.

For the year 1940, the following contributions had been decided on by the "National Association": 30% from the Income tax or ¼ - 2% of total assets.

By a circular of the minister of economy from January 23, 1940, the National Association was notified that Jews will no longer receive a clothing card and that Jews will not be entitled to receive coupons for fabrics, shoes and material for soles. They were only allowed a coupon for sewing materials in the amount of RM 20,00 every three months. The supplying of Jews with fabrics and shoes will have to be looked after by the "National Association" by the way of mutual help. By the order of the National Association, clothing depots were established by the larger communities in the German domain. A collection of clothing, underwear, linen, and shoes by the members of the community resulted in a large enough inventory to open a clothing depot on March 11, 1940.

On May 19, 1940, a shoe repair work shop was added to the clothing depot. Tools utensils and a shoe maker sewing machine was bought. A Jewish worker was employed who repaired the defective shoes for the clothing depot. The clothing depot was taken care of by volunteers until September 1942, after this time the clothing depot was taken care of by employees of the administrative post.

group. Today we see this pattern on a broader scale: addiction to commodified, material consumption in search of satisfaction is itself a significant cause of unsustainability in environmental and human terms.

Unsustainability is fairly easy to define: the inability of the natural and social life support system to sustain human and other species into the future. Signs of unsustainability abound. Global warming trends threaten historic evolutionary patterns and existing human settlements. Great masses of human beings lack even the most modest of what we consider basic needs. Ever-increasing consumption burdens the Earth without producing much fulfillment. Instead of being the proper instrument for human satisfaction according to our basic notion of liberal markets, consumption itself, as I just noted, has become a central cause of unsustainability.

Sustainable development arose in part when people became aware that we could no longer maintain our global drive towards continuing economic growth without exhausting the finite resources of our home, the planet. Many claim today that we already have exceeded the capacity of Earth to support the current level of affluence. And no rational being, except perhaps for the most technologically optimistic economist, would claim that our Earth could sustain projected population levels at anywhere near the levels of affluence found in the US or other highly developed countries.

Some environmental advocates are hopeful. The primary instrument of sustainable development, eco-efficiency—delivering more value for less environmental burden—is promoted as a means to achieve the reductions of 10- to 50-fold in material and energy usage thought to be sufficient to stay within the limits of one earth. But eco-efficiency is merely a quick fix—yet another Band-Aid approach to unsustainability, which must be

During the year 1940, in cooperation with the municipal housing office, some so called -Jews dwellings- were rented to house Jewish families, who had to vacate their homes.

- Hindenburgstrasse 3 for 20 persons
- Adolf-Hitlerstrasse 32 for 5 persons
- Adolf-Hitlerstrasse 26 for 7 persons
- Holzackerstrasse 40 for 3 persons

The rental apartment building of Holzackerstrasse 40 and the property on Lindenstrasse 22 was supposed to be used as a Jewish residence. However, the cost of repairs and maintenance of the house were incomparably high. The use and operation of the heating system met with difficulties and only one family was housed there. Despite that, the property, for which we had to pay only the housing expenses and taxes was kept up by us until the emigration in March 1942 of the family living there, also because it was situated right next to the city forest with a large garden and we could use the garden as a play ground and physical exercise area for our school children.

Starting February 1940, the Jewish community administration in agreement with the Aryanization office gave Jewish home owners, whose houses were administered and made ready for selling by the Aryanization office small monthly loans to secure their livelihood if they did not have any other income or assets.

The Aryanization office at once notified the Jewish community office of the sale of the property, so that the community office could claim a refund. A refund for the loan was effected by the Aryanization office. In the case of subsequent denaturalization of the debtor, a notification to the finance office in Berlin-Moabit is necessary.

On March 8, 1940, we sent as demanded to the Reich's Kinship research, Department for Jewish Persons register in Germany, Berlin N 4, Oranienburgerstrasse 28- 73 registration books as follows:

- Birth register of the Jewish community Fuerth 1698 - 1876
- Circumcision register of the Jewish community Fuerth 1696 - 1812
- Marriage register of the Jewish community Fuerth 1781 - 1940
- Death register of the Jewish community Fuerth 1662 - 1876
- Protocol books of the Chewra Kadisha of the Jewish community Fuerth 1730 and 1785
- Memorial books of the Alt and Neuschule (Synagogues) of the Jewish community Fuerth
- Midwife register of the Jewish community Fuerth 1787 - 1804
- Membership register of the Jewish community Fuerth 1863
- Death register Alter Friedhof (Old cemetery) Jewish community Fuerth 1867 - 1927
- Cemetery register of the Jewish community Fuerth 1890 - 1928
- Extract from the register book of the Rezatkreises [old name of Central Franconia] city of Fuerth 1819 and 1858
- Account book 18th century
- Testimony books 1812 - 1831
- Statute books Fuerth 1721
- Cemetery register Fuerth
- Register of graves of the new cemetery in Fuerth.

The following registration was also sent: Birth, marriage and death registers of the following Jewish communities:

Baiersdorf, Bruck, Buechenbach, Diespeck, Erlangen, Markt Erlbach, Farnbach, Kairlindach, Langenzenn, Neustadt, Pahres, Schnodsenbach, Scheinfeld, Schornweisach, Uehlfeld, Weisendorf, Wilhermsdorf.

My response is yes....but. This transformation is harder than people imagine, and can only happen with a fundamental change in not only in how we conceive of sustainability, but also of the way that business both impedes and can create sustainability.

To date virtually all efforts to produce what business calls sustainable development have been little more than Band-Aids. Many solutions take the shape of technical quick fixes; others respond to regulatory attempts to limit harm. Yet all merely treat the symptoms of what has become a very deep-seated societal problem. The failure to address the root causes has not only produced a long line of "fixes-that-fail, " but has shifted attention away from the root causes. Worse, over time, when the business community gets in the habit of ignoring the source of the problem, it gradually loses the ability to think deeply and to produce the right kind of innovative solutions.

The systems dynamics community defines this way of acting as "shifting-the-burden." Popularized by Peter Senge and his colleagues, this archetypal model applies when people's efforts to fix a problem causes new and unexpected problems to arise elsewhere within the same system. Such an approach produces harmful (side) effects. Over time the capability of an actor or organization to deal with root causes becomes frittered away, and they become increasingly incapable of acting on their own. They lose their critical facilities and cease any attempts to acquire more effective skills. If this vicious cycle goes on long enough, their mental and physical capabilities may deteriorate. The chosen solution itself becomes a new problem, replacing the trouble that started initial challenge. A new pattern emerges. Shifting-the-burden morphs into addiction. We see this very powerfully in human behavior when alcohol or drugs or gambling forces the real set of concerns into the dim recesses of the unconsciousness of the individual or

According to the order from the Bavarian state ministry for education and religion, dated December 16, 1939, the private Jewish high school in Fuerth was dissolved, effective March 31, 1940.

The students of this school were transferred to the Jewish public school in Fuerth.

The school had to be closed due to low student volume.

In the time from April 1, 1940, to September 30, 1940, a curfew limited individual movements for Jews from 9.00 PM to 5.00 AM.

During the course of the year 1940 almost all able bodied Jewish men worked. They were employed partly for road and underground work and partly in factories. The procurement of work for Jews was difficult, because of existing regulations, that Jews had to be kept separate from Aryan workers and the factories lacked the appropriate space. Therefore, in order to use all able bodied men, we freed up two rooms on the property on the Blumenstrasse 31for work purposes. We gave one room to a toy factory to install 4 presses and a lacquer shop. We gave another room to a Nuremberg factory, which manufactured electric heaters. The work consisted of coiling heating elements. The electric heater factory employed about 10 Jewish workers. We made an agreement with the toy factory to act as agents and home work was accepted on behalf of people under our care. Thus, we were able to provide work for about 20 Jewish men and women and also for elderly men, who otherwise would have been a welfare burden.

The women worked only a short time for our agency, because they found more profitable employment in Nuremberg and Fuerth.

On August 12, 1940, the long distance telephone office in Nuremberg cancelled all long distance calls for Jews in Fuerth effective September 1, 1940. Exemptions were granted only for Jewish consultants (Doctors), nurses, hospitals, Jews with foreign citizenship and for the National Association and its subordinate organizations.

The Jewish community office announced in a circular letter dated November 7, 1940, that members of the community, who have to use the railway during the hours of 8.00 PM and 6.00 AM (curfew time), have to obtain a pass from the director of the Jewish community office.

Starting November 7,1940, the regular conducting of religious services on Friday evening and Saturday morning in the rear building of the property on the Blumenstrasse 31 (auditorium of the school) was permitted by the secret state police. A liberal religious service was conducted there until March 1942.

The nursing school of the Jewish community in Fuerth, Blumenstrasse 31, which is attached to the Jewish hospital in Fuerth, Theaterstrasse 36 is recognized and subject to recall as a nursing school for 6 nursing students of the Jewish nursing sisterhood in the meaning of paragraph 4 of the first decree regarding the professional exercise of nursing and the formation of nursing schools (Nursing decree - KrPfl.V - v. 28. 9. 1939 RGBI I, p 1310). The above is the outcome of a letter of recognition, dated November 29,1940 on the bases of the Runderlass [decree], dated October 9, 1939 from the National Minister of the Interior, through the provincial premier in Ansbach. The nursing school accepted 6 nursing sister students, and on a temporary basis, 7 nursing sister students, some did emigrate, 4 nursing sister students graduated from the prescribed nursing course. A state examination could not take place, because the examination date set by the provincial premier in Ansbach conflicted with the execution of a large emigration and only 2 student nurses remained in the hospital. Through the second decree for the execution of the decree to levy a social equalization tax, it was decided that the rules for raising of a social equalization tax also applies to Jews effective January 1, 1941.

Number of members of the Jewish community on December 31, 1940: 644. On December 31. 1939: 623. An addition of: 21.

Making the Real Business Case for Sustainability

or perhaps?????

Making the Business Case for Real Sustainability

John R. Ehrenfeld

Management literature today abounds with stories about the business case for sustainability. The reports are as varied and colorful as are the many definitions of this new buzzword. Socially responsible investing has become the latest mechanism to use the power of the financial market to punish the bad guys and reward those firms that are doing the 'right' thing about sustainability. Slick sustainability reports now join annual reports as indicators of performance. There's just one problem with all this activity: none of this espoused benevolence creates true sustainability. At best these moves only temporarily slow down the continuing drift towards unsustainability; at worst they serve as feel-good marketing campaigns for products and services that in fact degrade and pollute our environment and fail to keep their promises of meaningful satisfaction.

The root problem here is neither misunderstanding of what's at stake, or corporate cynicism about the sustainability cause (though these may contribute.) No, the real problem stems from a failure of management to see unsustainability as a deep-seated systems failure and to appreciate the extent to which turning toward a sustainable trajectory requires radical thinking and action. Given this great blindness, one must ask a critical question:

Can anything be done then to radically transform the way that businesses work?

This inflow has to be attributed to the moving in of children from country communities, who were unable to attend schools there and therefore had to be absorbed in the children's home in Fuerth of the National Association of Jews in Germany.

In the year 1940, the expenditures of the Jewish community among others were:

For costs of occupational changes and emigration: RM 8,000.00

For welfare: RM 94,600.00

For school purposes: RM 25,000.00

On December 31, 1940, the assets of the Jewish community amounted to (without endowment assets, assets of the school and the children's home in Fuerth) RM 342,000.00.

Top

1941

With a circular letter dated May 14, 1941, the National Association informed the district posts and Jewish communities with under 1000 souls, that in the course of reorganization and savings measures, all Jewish communities with less than1000 souls will be integrated into the "National Association". In individual locations, only authorized representatives of the district posts may continue to carry out the local administrative activities. Because the Jewish community in Fuerth consisted of only 635 souls, it was affected by this measure; oral, or written objections against the integration were not successful. In an additional circular letter from the Bavarian district post ,dated May 26,1941, we were informed, that as of June 1, 1941the chairman of our community, Mr. Julius Israel Frueh as the authorized representative of the district post Bavaria was charged to continue to conduct the business of the community in Fuerth.

In the course of these reorganizations and saving measures, the right to collect dues by the administrative post Fuerth was revoked and transferred to the Bavarian district post. The community was only allowed to keep the most essential employees. The remaining employees were dismissed by June 1 and July 1, or were retired. This included the rabbi of the community, Dr. Behrens. Considerable salary cuts measures were carried out.

It was also decreed in the above mentioned circular letter, that expenditures for Jewish cultural activities from public funds is not permitted. At a later point in time, a fund from private donations was established with the permission of the surveillance authorities and the currency office in Nuremberg (Jewish cultural account), from which the most urgent expenditures for prayer services and funerals were covered. An order issued by the National Association states, that as of the end of May 1941, the education courses for adults, established and maintained by the Jewish community, can not be charged to the administrative post Fuerth. The Jewish public school could no longer employ the handicraft teacher. The handicraft education was taken over by volunteers.

The decree about the integration of the Jewish community Fuerth into the National Association took place on May 27,1941, on the basis of the 10th decree to the National citizen law from July 4, 1939 through the National Minister of the Interior. The cancellation of the community association in the association register was implemented on September 12, 1941.

During May 1941,the transfer of the remaining assets of the Jewish community in the amount of RM 330,000 was implemented. Apart from this amount, the National Association received:

Carry forward: RM 330,000

The assets of the Jewish high school association: RM 33,000

The assets of the Jewish orphanage in Fuerth RM 700,000

The assets from endowments in Fuerth RM 242,000

Total: RM 1,305,000

In the time from the 5th to the 8th of August 1941, the students of the 5th, 6th, and 7th grade of the private Jewish public school helped to collect old materials from Jewish households, which was ordered by the authorities. The old material collections were continued on a monthly bases until the closing of the school in March 1942.

A police order was issued on September 1, 1941, regarding a distinguishing mark for Jews (RGBI I, p 547); accordingly it is not permitted for Jews, which have completed their 6th birthday to be seen in public without a Jewish star [on their clothing.] Furthermore, according paragraph 2 of this police order, it is not permitted for Jews to leave the area of their community without carrying a written permission issued by the local police authorities. Also, according to clause "b" of the paragraph 2 of this regulation, Jews are no longer permitted to wear medals, decorations and other insignia. The cities of Fuerth and Nuremberg were declared as separate communities, consequently it was not possible to enter the city of Nuremberg without permission from the police.

A regulation was issued on October 3, 1941 regarding the employment of Jews (RGBI I, p 675). On October 31,1941 an order for the implementation of the regulation from October 3, 1941, was issued (RGBI I, p 681). In paragraph 11of the implementation order the work duties for Jews was addressed.

According to a statistic of the administrative office, 170 Jews were employed on October 12, 1941.

On October 20, 1941,the administrative office in Fuerth established a middle class food service program for the benefit of working Jews from Fuerth and as well as needy Jews who are welfare cases. The feeding also applied to Jews receiving welfare care. The implementation of the meal program was assigned to a Jewish restaurant, which applied certain conditions. A warm meal was provided on a daily bases with a charge of RM 10.00, 25.00, 35.00 up to RM 50.00 per meal, which had to be paid to the administrative office by the participants according their financial circumstances. Within a short time 60 - 70 persons participated in this meal scheme. This scheme lasted until the March emigration in 1942.

In a circular letter dated November 19, 1941, the administrative office announced, that according an order by the authorities from November 21, 1941, the following objects have to be reported: Typewriters, calculators, copy machines, bicycles, photo-film equipment and binoculars.

The 11th regulation to the national citizen law was published on November 25, 1941, which determined, that Jews who normally live in a foreign country, can not have German citizenship, therefore they will lose the German citizenship when the regulation becomes law while they live in a foreign country, or they take up habitual residence in a foreign country later on "with the relocation of habitual residence in a foreign country". With the loss of citizenship the assets of the emigrant are forfeited to the state. By this law, all Jews who have emigrated so far have lost their German citizenship.

On November 27,1941, the first emigration of Jews from Fuerth took place on the order of the authorities.

Together with a transport from Nuremberg 94 people from Fuerth were included for emigration to Riga, amongst them 7 employees of the administrative office in Fuerth, 1 employee of the administration, one teacher (female), 3 hospital employees, 1 children's home trainee, 1 retired person (female).

The administrative office made all necessary preparations for the emigration order issued by the secret state police, to furnish all necessities for the emigrants, and to put helpers at their disposal. A sewing room was established in the school building, in which rucksacks, hoods for women, mittens, pouches, bread bags, muffs etc. were sewn together. One work group was designated to mark the luggage, another work group to weigh the pieces of luggage, and a third group to collect certain items and food designated as "Ghetto commodity". Apart from the personal luggage of up to 50 kg in valises and hand luggage, the transport was supplied with a collective ghetto collection gear consisting of: 1 large cooking cauldron, mattresses, iron and paraffin stoves, sewing machines, all kinds of tools, glass and putty, groceries for 8 days, which was supplemented by the food office in Fuerth, also laundry and cleaning materials, bandages and medicines, as well as medical instruments from the inventory of the hospital. The emigrants were collected on November 27, 1941 by the secret state police from their homes and brought to the Langwasser assembly camp in Nuremberg, where together with the Nuremberg emigrants were cared for by the Jewish community in Nuremberg until their evacuation. The luggage of the emigrants was moved directly by the freight forwarder into the evacuation camp and was put under control there. The freight forwarder then brought it directly to the train. Several helpers from Fuerth were assigned by us to work daily in the community camp.

In order to finance the transport, the administrative office in Fuerth instructed the 94 emigrants to pay into the "W" account of the Bavarian state bank, which was specially created for this purpose in the amount of RM 17,560. The cost of the emigration amounted to RM 8,658,15. The balance was deposited to the "W" account of the Bavarian district office of the National Association of Jews in Germany, Munich.

In a circular letter dated December 1,1941, the National Association for Jews in Germany made public under instruction from the surveillance authorities, that it is categorically prohibited for Jews to dispose of their movable assets. In special cases, disposals may be carried out with the permission of the secret state police The administrative office Fuerth of the district office Bavaria established an application office, which was assigned to examine and forward applications for disposal applications for the whole of Central Franconia and Upper Franconia.

On the order of the secret state police, the Fuerth administrative office made public in a circular letter dated December 9, 1941, that all Jews living in Fuerth, who are obligated to carry the star of David, have to report all commodities in their possession. Subject for registration are: Furniture, linens, beddings, clothing articles and individual personal items. 260 reports were forwarded via the administrative office on December 15,1941.

The Synagogue in the Jewish hospital was closed during December 1941. On the instruction of the National Association, this room was used to place further hospital beds. Because larger renovation work could not be carried out , this room was occupied by palliative care patients.

Top

1942

The Fuerth administrative office published in a circular letter of January 9,1942 the following order received by the National Association from the surveillance authorities: Jews, who are obligated to carry the Kennzeichen [identifying badge] are prohibited from using public telephone facilities.

The administrative post in Fuerth published in a circular letter from January 13,1942 the following order issued by the secret state police: All Jews obliged to carry the identifying badge, must by January 15, 1942 deliver to the administrative post in Fuerth all fur and wool items, skies, ski shoes and alpine shoes [climbing shoes].

The following items were delivered: 377 furs, 42 fur coats, 9 fur jackets, 32 fur hats, 7 fur vests, 6 fur blankets, 4 sport furs, 1 pair fur lined boots, 6 pair fur lined gloves and muffs, 379 assorted pelts, 1047 wool items, 7 ski items.

In a circular letter dated January 9, 1942 the administrative post published, that effective immediately the emigration consulting service is discontinued.

In its Jewish communication sheet # 7 dated February 13, 1942, the National Association points out, that according an official order it is prohibited to lodge requests and petitions, especially petitions for mercy on the bases of paragraph 7 of the first decree of the law for imperial citizen dated November 14, 1935, which must first be checked by the national association for admissibility. The examination and forwarding of applications to the office for foreign currency of certain requests from the Jewish communities in Middle and Upper Franconia, as well requests from the upper Palatine and from all other districts under the control of the foreign currency office in Nuremberg (except requests from Nuremberg) were later transferred to the administrative office in Fuerth.

In a circular letter dated February 28, 1942 the Fuerth administrative office announced, that only the administrative offices of the National Association, consultants, physicians and dentists are entitled to receive delivery of newspapers by the post office and future local bulletins should be announced in a suitable form.

With an order by the authorities from March 24, 1942, the second migration [deportation] was carried out, 237 persons had to participate in this migration [deportation] to Izbica in Poland, amongst them all 8 employees of the children's home in Fuerth, 10 employees of the Jewish hospital in Fuerth and 1 janitor of the administrative office.

To aid the migrants [deportees], the same support service as on the occasion of the first migration [deportation] in November 1941was set up. The migrants were given a luggage allowance of 50 kg for suit cases as well as hand luggage, consisting either of a back pack or nap sack. As well, , community shared luggage was provided , which this time only contained food provision. The municipal food office in Fuerth supplied the migrants with additional provisions for several days. To finance the transport, the migrants had to contribute according their means an amount of at least 25% of their assets. The participants of the transport from Fuerth paid a total of RM 147,606 into the special account "W" of the Bayerische Staatsbank [Bavarian State Bank] in Fuerth, from which the cost of RM 18,835 of this migration [deportation] was covered. The balance was paid into the special account "W" of the district office of the National Association of Jews in Germany in Munich.

After the migration [deportation], the children's home of the National Association of Jews in Germany was dissolved, because all pupils, whose parents did not live in Fuerth, were sent back and the remaining orphans with the management and staff joined the transport. As a result of the migration [deportation] of nearly all school children, only three school children from Erlangen and three children from Fuerth remained behind. The Jewish elementary school in Fuerth had to close. Children of school age had to go to the Jewish elementary school in Nuremberg, this school was also closed on June 30, 1942.

The city school board bought the total inventory of the Jewish schools in Fuerth for the amount of RM 700.00 and took possession in 1943.

The Jewish news letter from April 3,1942 published an order received by the National Association from the

surveillance authorities, whereby as of April 15, 1942 Jewish home owners, who are obliged to carry the identification badge, must also identify their homes with a star of David, printed in black on white paper.

The administrative office Fuerth conveyed in a circular letter from April 15, 1942, the following order received by the National Association from the surveillance authorities: Jews, who are obliged to carry the identification badge, are prohibited from using public transportation within the area of their habitation without the written permission of the local police authority. Under certain conditions, it was possible for Jews who belonged to the work force, school children and doctors to receive official permission to use public transportation within the area of their domicile.

The Jewish hostel in the Lindenstrasse 22 was vacated on April 27, 1942. Those still living there were placed in Jew houses.

On April 24,1942, four Jewish persons from Fuerth were attached to the migration [deportation] transport from Wuerzburg (Transport to Krasniczyn). The administrative office Fuerth conveyed in a circular letter dated May 18, 1942 the following order by the surveillance authorities, which was published in the Jewish newsletter by the National Association namely: Jews who are obliged to carry the identification badge, are not permitted to keep domestic animals, Jews who still are in possession of domestic animals at the time of this order, will have to surrender them.

The administrative office Fuerth conveyed in a circular letter from May 28, 1942, the following order received by the National Association from the surveillance authorities: Jews who are obliged to carry the identification badge are not permitted to avail themselves of the services of an Aryan hairdresser.

With the permission of the authorities a senior home was established on June 1, 1942 in the property of the National Association located in the Julienstrasse 2 (formerly children's home of the National Association). All elderly married couples and single persons still living in Fuerth, moved to the home, thus freeing a great number of dwellings. From now on, only the so called "Jew houses" were occupied by Volljuden [full Jews]. The senior home of the "National Association of Jews in Germany" housed up to 45 occupants, but under the terms prescribed for senior homes by the National Association. The senior home was operated by the National Association until September 10, 1942, when most of its occupants had to migrate [were deported].

The administrative office Fuerth issued a circular letter on June 10, 1942, in which, on the instruction of the city of Fuerth, the demand was made to the Jewish population of Fuerth to hand over to our administrative office all dispensable knit wear, shirts, underwear and clothing.

After the completion of the collection, the administrative post delivered to the secret state police on June 18, 1942 the following: 242 pieces of men's clothing, 213 pieces of women's clothing, 1251 pieces of old knit wear (assorted underwear and shirts, socks etc.), waste materials, baby diapers etc.

In a circular letter the administrative office Fuerth published a directive by the surveillance authority, with the demand that Jewish national subjects and stateless Jews in the meaning of paragraph 5 of the first decree of the national citizens law from November 14, 1935 (RGBI I, p 1933) have to hand over to the administrative office Fuerth the following items in their possessions: Electrical devices, record players and records, typewriters, bicycles and optical devices.

The following items were delivered to our collection point to be forwarded to the secrete state police: 57 electric laundry irons, 9 electric heating plates, 29 electric pots, 24 electric heaters, 17 electric vacuum cleaners, 6 electric dryers, 46 electric heating pads, 3 electric toasters, 1 electric washing machine, 8 electric assorted devices, 5 record players, 50 records, 21 type writers, 5 assorted devices, 7 bicycles, 12 cameras, 1 projector, 36 binoculars and opera glasses, 2 light meters.

Several applicants who required electrical appliances for urgent health reasons, were permitted to keep the

electrical devices. As well, a few laundry irons were allowed to be kept by the administrative office to be loaned to members.

The National Association conveyed in a circular letter from June 20, 1942, the following orders received from the surveillance authorities, whereby all Jewish schools will be closed by June 30, 1942. A further order states that after the closing of the schools, the schooling of Jewish children by salaried or unpaid teachers is prohibited and tuition in private circles is prohibited.

On the instruction from the Nuremberg secret state police Nuremberg, the Fuerth administrative office demanded in a circular letter dated July 24, 1942 from all Jews living in Fuerth who still own fur items, even fur pieces of the smallest size to be handed over. The administrative office Fuerth reported to the secrete state police on August 5, 1942 the collection of furs and fur pieces with a net weight of 23,900 kg, which together with the furs collected by the Jewish community Nuremberg are ready for delivery.

With a circular letter, dated August 13, 1942, the administrative office in Fuerth published an announcement received by the National Association issued the secret state police, stating the following: It is objectionable that Aryan domestic employees still live with and are employed by Jews. Jews affected by this announcement are called upon to discharge their Aryan domestic employees.

The administrative office in Fuerth announced in a circular letter, dated August 14, 1942, that according to a directive from the secret state police a further knit good collection will be carried out. All knit goods items are subject to surrender, except in the case personal use. On August 24, 1942, the following was delivered by the administrative post in Fuerth: 1081 kg linen, 505 kg clothing, 234 kg rags.

On August 4, 1942, the director of the Fuerth administrative office received a notification from the secret state police, stating that for the end of August, beginning September 1942, an emigration [deportation] transport to Theresienstadt for all Jews from Fuerth who are over 65 years is scheduled. The final date was fixed for September 10, 1942.

As in previous emigrations, the Fuerth administrative post immediately organized a support , a sewing room was established, in which rucksacks, bread bags, chest pouches and mitts were sewn. The support service also received the assignment to support the emigrant in every aspect such as packing and settling their affairs.

On the order of the National Association, the Fuerth administrative post had to rapidly prepare an application to live in an home in Theresienstadt for all persons scheduled to emigrate [be deported] and owning assets over RM 1000. Also, work to fill out application forms for the homes in Theresienstadt had to be completed in advance. Consequently, a total of 49 contracts were closed and transfers in the amount of about RM 900,000to the account of the National Association was agreed to, including RM 37,000 deposits to the "W" account to finance the transports.

After an air raid, we received an order from the secret state police, that in the course of the day the homes of the emigrants have to be vacated by August 31, 1942, because shelters were needed for people with damaged homes. These emigrants [deportees] with all their emigration luggage, including mattresses will be quartered in the old age home in the Julienstrasse and also temporarily in the Jewish hospital. In order to keep the required dead line, the administrative office had to organize a pick-up service for people and luggage, thus it became possible for the emigrants and luggage to be ready by August 31. By August 31, a total of 130 people were housed in the old age home in the Julienstrasse. They were cared for there until their emigration [deportation].

The old age home became an evacuation camp under the control of the secret state police and a SS security detail.

Luggage control and body searches took place in the synagogue (formerly the "Waisenschul" or Orphans

synagogue), which was cleared for this purpose. The evacuation took place in the morning of September 10, 1942, using 4 motor buses of the Nuremberg-Fuerth street car company, going direct to the Finkenstrasse train station. The director of the Fuerth administrative office Fuerth was present when the emigrants [deportees] were placed in railway passenger cars and the support service which was appointed by the administrative office in Fuerth, delivered the hand luggage.

On September 9, 1942 handicapped emigrants [deportees] from Fuerth were transported with two furniture vans to a previously designated camp in the Knauerstrasse in Nuremberg. The necessary doctor and nursing service was provided by the Jewish hospital in Fuerth.

During the trip the sick people were looked after by a nurse from the Jewish hospital in Fuerth.

On September 10, 1942, 159 Jews emigrated [were deported] from Fuerth and a further 6 Jews from out of town joined the transport in Fuerth. The following was provided in the common luggage:

1. Supplementary food for 8 days with the approval of the food office.
2. Reserve food from the emigrants [deportees], which was collected by the aid workers.
3. House and kitchen utensils
4. Washing material
5. Mattresses

Furthermore, the emigrants [deportees] were able to take with them:

For travel luggage, either a handy carry-on luggage or a strong, fully packed rucksack.
1 bread bag or tote bag as hand luggage
1 roll of 1-2 wool blankets.

The transport costs amounted to RM 13.353,51; the balance of the receipts paid in by the emigrants [deportees] into the "W" account of the Bayerische Staatsbank in Fuerth was transferred to the special "H" account of the Bavarian district office of the National Association of Jews in Germany located in Munich.

Five employees of the Jewish hospital, 2 assistant workers of the administrative office and 2 pensioners of the National Association were attached to the emigration [deportation] transport.

"The Old Age home in Fuerth of the National Association of Jews in Germany" was dissolved, as most old age home occupants emigrated [were deported] on September 10, 1942.

With the permission of the secret state police and the municipal housing office in Fuerth, a Jewish hostel was established on October 1, 1942, in the home of the property on Julienstrasse 2.

The operation of the Jewish hospital was also kept up after the emigration [deportation], even though a great portion of its ailing patients were attached to the transport. Left in the hospital after September 10,1942 were: 11 patients, which could not be transported, including 5 Jews from Fuerth. It became evident in the aftermath, that the Jewish hospital, which at this time is the only Jewish hospital in South Germany is still viable. The house (hospital) was fully occupied, therefore no subsidies for the operating costs was necessary.

On September 15, 1942, the following were present in Fuerth: 30 Jews from mixed marriages (20 from privileged mixed marriages, 10 from common mixed marriages), 3 "Geltungsjuden" [descendant of a mixed marriage, who adheres to the Jewish religion], 21 full Jews [Volljuden], 1 foreign Jewess (English) for a total of 55 Jews. 5 persons from Erlangen, who on the order of the secret state police were sent to Fuerth on August 25, 1942. On September 15, 1942, there were still 60 Jews in Fuerth.

On September 23, 1942 the administrative office Fuerth received a message from the secret state police, that

the Jewish hostel (previously Jewish old age home) to be established in the Julienstrasse 2 will have to place Jews from Nuremberg and Bamberg.

4 Jewish persons from Bamberg moved on September 29, 1942 to the hostel in the Julienstrasse 2.

The Jewish hostel was opened on October 1, 1942, also the 22 Jews, who were deported on October 6, 7 and 8 from Nuremberg found shelter in the Jewish hostel. On December 22, 1942, a further 2 Jewish women moved from Bamberg [to the hostel]. On October 22,1942, the hostel was occupied by 37 persons. The occupation number by end of December was 41 persons. The hostel has a common kitchen, because the regular kitchen is to small. The hostel is charging a fee to take care of the renters and has to be self sufficient.

On the instructions of the surveillance authorities from October 7, 1942, the National Association made it known that the purchase of books by Jews is not permitted from book stores, only from the book distribution department of the National Association of Jews in Germany.

On December 22,1942 ,pursuant to the demand by the National Association, we sent 10 crates with clothing and linen to the clothing depot of the Jewish community in Berlin , which were designated to be forwarded to Theresienstadt. A further 21 hampers with children's clothing and children's linens was made ready for shipping to the National Association at their direction.

On December 31,1942, there were still in Fuerth: 38 Jewish men, 47 Jewish women, [a total of] 85 Jews. In addition 2 Jewesses, Glaubensgenossen [Converts to Judaism]. The 85 Jews consisted of:

	[total]	male	female
Jews from privileged mixed marriages	16	7	9
Jews from ordinary mixed marriages	13	10	3
foreigners	3	1	2
Geltungsjuden	3	2	1
full Jews	50	18	32
[total]	85	38	47

To establish the Jewish population for 1933, the key date would be June 30, 1930, which shows about the same values.

The Jewish population on June 30, 1930 about 2,335

- Moved about 377
- Emigrated about 213
- Migrated about 494
- Arrested about 4
- Left the Jewish community about 4

Jewish population of Fuerth on December 31, 1942 85

Jews from other places, which on the order of the secret state police had to move to Fuerth:

- Moved from Erlangen 5
- Moved from Bamberg 6

- Moved from Nuremberg 22
- Taken in from Bayreuth 1
- [Total] 34

At the completion of this chronicle on March 31, 1943, 83 Jews were still living in Fuerth, including the 34 Jews admitted to Fuerth from other places. The breakdown is:

	total	full Jews	from mixed marriages	Geltungsjuden	foreigners	valid Jews
14 yrs and less	6	4	-	2	-	-
14 - 55 yrs	38	27	9	1	1	-
55 - 65 yrs	16	9	6	-	1	-
over 65 yrs	23	8	14	-	1	-
[total]	83	48	29	3	3	-

In addition:

arrested Jews	4	3	1	-	-	-
valid Jews of Aryan race	2	-	-	-	-	2
[total]	89	51	30	3	3	2

The following institutions and properties belonged to the Fuerth administrative office:

1) The property in Fuerth, Theaterstrasse 36

The Jewish hospital, which functioned fully as the only Jewish hospital in southern Germany and also took care of out of town patients.

Still employed in the Jewish hospital:

1 salaried nurse
1 salaried cook
1 volunteer orderly
2 volunteer nurses aids
1 volunteer house keeper
1 volunteer manager

2) The property in Fuerth, Julienstrasse 2

The Jewish hostel, which housed 41 persons. employed the following workers:

1 female manager
1 caretaker

1 female cook

All other household chores were carried out by the residents.

3) The property in Fuerth, Blumenstrasse 31, (formerly the school)

This property housed as well the offices and clothing depot of the administrative office, also rooms for Jews living in mixed marriages. In addition, 3 previous classrooms were designated for the use of the city of Fuerth and the finance office of the city of Fuerth to store furniture and other objects of furnishings. The work in the administrative office was carried out by:

The honorary director
1 employee
1 full time employed and unpaid assistant
1 assistant looking after burial matters and sundry jobs.

One part of the residual items of furnishings of the former children and senior home of the National Association of Jews in Germany was given to the occupants of the Jewish shelter, and another part to be used in the Jewish hostel, and the balance of the inventory was made available for use in the Julienstrasse 2 and Blumenstrasse 31.

Top

1943

The administrative office Fuerth still had the obligation to carry out the following assignments:

- The settling of the current administrative and statistical work.
- The administration and utilization of the inventory on hand.
- To supply the Jewish inhabitants of Fuerth with knitting materials and shoe wares from the clothing depot and the administration of the clothing depot.
- The supervision and administration of the Jewish hospital and the Jewish hostel in Fuerth.
- To effect burial procedures.
- Execution of orders from the authorities: Secret state police, municipal housing office, municipal office for economy.
- Unemployment office Nuremberg-Fuerth in Fuerth.
- Communications with the authorities, including the foreign exchange office in Nuremberg and the Aryanization office for real estates in Nuremberg.
- To distribute information to the authorities, finance offices and banks, especially about emigrated and migrated Jews, who previously lived in Fuerth.

Fuerth, March 31, 1943

Supplement to the story of the Jews in Fuerth / Bavaria 1943

In the frame work of the dissolution of the National Association of Jews in Germany, the administrative office

in Fuerth was also dissolved and the assets of the National Association situated in Fuerth were confiscated. The premises of the office were sealed.

All Jews still living in Fuerth, except Jews living or those who previously lived in mixed marriages emigrated [were deported] on June 17, 1943 partly to Theresienstadt, partly to the east.

The Jewish hospital and the hostel in the Julienstrasse 2 were closed. Fifty persons from Fuerth were picked for the purpose of emigration [deportation], namely 21 persons for Theresienstadt and 29 persons for the east. From the latter, 2 persons avoided emigration by escape. Nine persons from Nuremberg and several persons from other communities in the district joined this transport.

The persons who became homeless due to the closing of the hostel in the Julienstrasse 2 and the hospital were housed in the Blumenstrasse 31 [school building]. Amongst them was Mr. Josef Pachter, who was a patient in the hospital and who used to live in Nuremberg.

The settlement of general affairs took place in Fuerth by Dr. Julius Nuernberger from Nuremberg, who was appointed by the secret state police as trustee. He also was in contact with the still existing administration of the National Association of Jews in Germany, which was responsible for the welfare of destitute Jews and for the possible admittance to the Jewish hospital in Berlin for the sick or Jews in need of an operation.

The following persons living in Fuerth died in 1943: 3 in the concentration camp Auschwitz, namely 1 living in an ordinary mixed marriage and 2 living in privileged mixed marriages.

The doctor of the Jewish hospital, Dr. Leo Daniel, who escaped from his deportation to the east on June 17, 1943, was caught by the police and committed suicide on August 29 or 30,1943 in the court of justice prison in Fuerth. He was buried in the Jewish cemetery in Fuerth. Fanny Loewenthal, an English citizen was taken to an internment camp.

On December 31, 1943, 30 Jews were still living in Fuerth, namely:

18 persons of male sex
12 persons of female sex
In ordinary mixed marriage 12 persons, of these 9 male and 3 female.
In privileged mixed marriage 15 persons, of these 7 male and 8 female.
Geltungsjuden 3 persons, of these 2 male and 1 female.

The following table contains information about the structure by age:

age	total	ordinary mixed marriage		privileged mixed marriage		Geltungsjuden	
		m	f	m	f	m	f
under 14 yrs	1					1	
14 - 55 yrs	9	2	-	2	3	1	1
55 - 65 yrs	7	2	2	2	1	-	-
over 65 yrs	13	5	1	3	4	-	-
total	30	9	3	7	8	2	1

[The grading of mixed marriages and children of such marriages is a separate and complex matter.]

Top

Willie Glaser: The "final solution" for the Jewish community in Fuerth

It took the Gestapo apparatus ten years, from 1933 - 1943 to liquidate the several hundred year old Jewish community of Fuerth.

In order to fully understand the "Final solution of the Jewish question" (Endloesung der Judenfrage) and its devastating impact on the Jewish community in Fuerth, it is important to establish a brief outline of the bureaucratic path taken by Hitler and his directives flowing from him to Hermann Goering, whom he gave extensive powers to plan and facilitate extreme anti Jewish measures in coordination with high ranking functionaries of the party and the leadership of the SS.

In July 1941, Reinhard Heydrich, the head of the RSHA, Reich's Main Security Office (Reichssicherheitshauptamt), obtained from Hermann Goering, the authorization to proceed with the formulation of an overall blue print for "The Final Solution" a code name for "Industrial killing of Jews".

The first deportation of Jews from Fuerth was carried out in November 1941. This deportation was only a warm up for the genocidal killing machine. Initial plans for these measures were formulated in January 1942 at the macabre Wannsee conference initiated by Reinhard Heydrich.

It took only ninety minutes for the officials of the various ministries and SS establishments invited by Reinhard Heydrich to discuss and plan the implementation of the "Final Solution of the Jewish question", which in reality meant the death sentence for millions of Jews.

The speed in which these plans were drafted should not be a great surprise, Hitler invested a lot of brain power, seven of the 15 signatories to the protocol were PhD's. Six of the signatories were high ranking SS officers.

The Jewish humanity of Fuerth did not stand a chance, they had to suffer this deadly onslaught by the SS and its components against their existence. Understandably, the neutral tone of the chronicles of the Hitler years as compiled by Miss Grete Ballin for the Gestapo can not tell the dramatic story of Jewish life in Fuerth during these oppressive war years. On June 18, 1944, Miss Grete Ballin was deported to Auschwitz, she perished there.

On a personal note I have endeavoured to relate to this tragic period by portraying what I think was my mothers and fathers role during this very difficult period in their lives. My mothers and her children lived in Fuerth (see **Jewish life in Fuerth 1939 - 1943: The chronicles of my mother Adele Glaser**), my fathers life in Paris (see **The tragic odyssey of Ferdinand Glaser: The chronicles of the search for the fate of my father in France 1939 - 1943**) were in the hands of the Gestapo and SS. These two organizations constituted the main gears for the engine of genocide, which was well oiled for the "Endloesung" or "final solution".

For the Nazi bureaucracy, deportations and eliminations of Jews became a mere administrative matter, which had to be organizationally prepared and governed by regulations.

Examples of this deadly bureaucracy are the attached Gestapo documents under **Anatomy and logistics of the Fuerth deportations**.

One of the very few localities where Gestapo files survived is Wuerzburg. To day the Staatsarchiv Wuerzburg [State archives] holds many Gestapo documents, which Nazi officials failed to destroy in their haste to get out of town as American troops were about to enter the city.

In my research into the deportations of members of my family I became aware of deportation train manifests always showing the number of deportees on the train as some 1000 persons. It seems the Gestapo and the German railway was comfortable with this figure.

A notable example are the deportation trains from France to Poland, numbered from 1-77, each train holding some 1000 Jews. Which means from March1942 to August 1944 the German Railway moved some 75,700 Jews from France to Poland, mostly to Auschwitz.

This was the case with the deportations from Fuerth. In every instance the Gestapo collected some 1000 Jews from towns such as Nuremberg, Fuerth, Wuerzburg and Bamberg in a collection train [Sammelzug / transport] to destinations such as Riga, Izbica, Krasniczyn and Theresienstadt.

Deportation trains of the Deutsche Reichsbahn (DRB), German Railway and Gestapo guide lines.

This is a selection of several Gestapo documents relating to deportation trains. Gestapo document # 53 relates to the deportation of March 23, 1942, in which Jews from several cities were collected on one deportation train, destination Izbica.

The attached Gestapo document # 117 shows the route taken by the deportation train DA 49 April 25, 1942, final destination Krasniczyn. [This train number supplied by State archives Wuerzburg]. Gestapo document # 283 confirms the departure of transport train DA 49. Gestapo document # 35 identifies the Wuerzburg transport as GZ [Gueterzug] 6610, freight train and GZ 6842 from Bamberg, this train number was changed to GZ 6604 in document # 41. It is difficult at this point in time to figure out why a "GZ" indicator was applied.

The above examples of trains and train designations are meant to show the involvement of "Die Deutsche Reichsbahn", the German railway with the Holocaust. This is only a very brief overview of the massive support given by the German railway to the extermination process, in this case the Jews from Fuerth.

Inspite of the very heavy war time demands on the rolling stocks of the German railway, the German railway was able to provide transports for thousands of German Jews to the concentration camps, business had to be conducted, even if it was not the right commercial commodity.

The German railway asked for and received their pound of flesh. The DRB negotiated a deal with the Gestapo regarding payments for the deportation transports, which had to be paid into a special bank account by the deportees. Cynically, the fare was a group rate, excursion fare, a one way ticket. This was the contribution of the DRB to the "Himmelfahrt fuer die Juden", a Gestapo and SS jargon for "final journey to the heaven for the Jews " (see **The chronicles of my mother Adele Glaser**).

For the first deportation from Fuerth to Riga in November 1941 the German railway used regular passenger cars, 3rd class. this was confirmed to me by Harold Reissner a Riga transport Holocaust survivor. Further research brought out the fact, that the DRB used locked and controlled passenger cars while travelling in Germany. while deportation trains outside the borders of Germany consisted of freight cars.

The reason is obvious, Nazi leadership avoided the scenes of misery of a freight train overcrowded with Jews to be witnessed by the greater German population. My research convinced me, that the authorities did not completely succeed with this effort. To start with, deportation trains had a low priority. By necessity the DRB had to give priority to military and armament shipments. Deportation trains were shunted to sidings to let high priority trains pass. I am convinced, that many people from the civilian population looked at these trains.

A great number of German railway officials and workers were directly involved or had seen the deportation trains. I am just wondering what did a railway worker tell his family in the privacy of their homes?

Holocaust survivor Harold Reissner from Fuerth states in his video tape interview with the Steven Spielberg project: "We were loaded on open trucks and driven to the Langwasser camp in Nuremberg."

The shortest route, about 10-12 km from Fuerth to Nuremberg is along the Nuernbergerstrasse, which changes to the Fuertherstrasse at the city border Fuerth/Nuremberg. The point is, that many people on the street must have seen the trucks guarded by the SS and filled with Jews who were wearing a star of David (Davidstern) on their clothing.

A factor of the great sufferings by the deportees from Fuerth must have been the long durations of their journey to the various concentration camps, such as Riga, Izbica, Krasniczyn, Theresienstadt and Auschwitz. In Gestapo document # 117, the travel time for the deportation transport of April 25th, 1942 is given as over three days.

The Jews from Fuerth demonstrated an extraordinary courage during their journeys into a hellish unknown. Harold Reissner, a survivor assured me of the steadfastness of the people on the train to Riga. The deportees from Fuerth expected to be umgesiedelt (resettled) somewhere, they knew they are going to have to face some stark realities at their destination. Their wishful thinking made them believe they will have to work for the German war effort. This thought was reinforced by the selection of common Ghettogut (ghetto commodities) such as cooking cauldrons, iron and paraffin ovens (probably portable), mattresses, sewing machines and a selection of tools (see **Instruction of the Gestapo for the first deportation of Franconian Jews on November 29, 1941 to Riga-Jungfernhof**).

German railways acknowledged its role in the transport of millions of Jews to the death camps, as its chairman laid the foundation for a memorial at the main deportation station in Berlin: "What happens in the 12 years between 1933 and 1945 is an irrevocable part of the history of the railway just as it is of German history," said Heinz Duerr, chairmen of the national railway company Deutsche Bahn AG. "Based on this, we have the duty to do whatever is possible to insure this type of contempt for humanity never again has a chance on German soil or in our company".

This account is written for the sake of the innocent Jewish souls of Fuerth.

http://rijo-research.de

© Susanne Rieger, Gerhard Jochem; last update: September 19, 2004

Tracked for free by statcounter.com

RUTH DEAR: HOPING
ALL IS WELL WITH YOU
AND YOUR FAMILY.
ENJOY THE N.L.'S +
DO RESPOND. MISS YOU
SENDING YOU MUCH LOVE
+ MANY WISHES FOR
A HEALTHY NEW YEAR
ANGELS + BEAR

The opening of an important exhibit at the Jewish Museum in Fuerth in co-operation with Daniela Eisenstein & Gisela-Naomi Blume.

Haus des Lebens

Ausstellung im Jüdischen Museum über Friedhofshalle

„Eine Friedhofshalle braucht jeder einmal, darum ist sie mir so wichtig", sagt Gisela Naomi Blume, die Vorsitzende der Fürther Israelitischen Kultusgemeinde.

Kurz zuvor hat sie zusammen mit Oberbürgermeister Thomas Jung und Museumsleiterin Daniela Eisenstein eine Ausstellung im Jüdischen Museum eröffnet, die sich der akut einsturzgefährdeten Aussegnungshalle auf dem neuen Jüdischen Friedhof widmet *(wir berichteten)*. Zu sehen sind in der Schau Fotografien, die die Geschichte des historischen Bauwerks an der Erlanger Straße, aber auch die beträchtlichen Bauschäden zeigen. Gleichzeitig erhält der Besucher Einblick in die Ausstattung und die Geschichte der Halle.

Besonders anrührend: die Begräbnisriten und die Tradition der Chewra Kaddischa, der Totenbruderschaft. Der „Heiligen Vereinigung" obliegt die Bestattung, Waisenfürsorge und Friedhofserhaltung. Ehrenamtlich trösten sie die Hinterbliebenen, waschen den Toten im Reinigungshaus, der Beth Tahara, kleiden ihn und haben bei der Beerdigung selbst zahlreiche Aufgaben. Kein Wunder, dass man sagt, sie könnten sich damit das Himmelreich verdienen und übten die größte Mitzwa, die wichtigste religiöse Pflicht, aus.

Stellvertretend für die Fürther Chewra Kaddischa, der bis 100 Personen angehörten, ist ein Porträt von Hugo Heinemann abgebildet. „Die rituelle Reinigung mit Wasser befreit die Toten von den Sünden. Ebenso ist es im Judentum üblich, Bestattungen so schnell wie möglich durchzuführen und auf Blumen zu verzichten", erläutert Blume. Auch Friedhofsbesucher waschen sich die Hände mit der Natla, einem hübschen Becher mit zwei Griffen, der auf einem Foto zu sehen ist.

Die prächtige Sandsteinhalle wurde 1902 im Neo-Renaissance-Stil erbaut und besticht durch fast schlossartige Formen, wobei die Dreiteilung mit der betonten Mitte, der zentralen Trauerhalle, ins Auge fällt. Das große, aufwändige Gebäude von Architekt Adam Egerer wird durch einen Mittelrisaliten mit Dreiecksgiebel, Zahnschnitt und Palmettenbekrönung strukturiert, die Fassade ist reich geschmückt, wie ein Originalplan von 1901 darstellt.

Florale Muster

In Hebräisch und Deutsch trägt der Giebel die Inschrift „Schalom, Friede den Fernen und den Nahen". Die großzügige Auffahrt und das schmiedeeiserne Tor sind in der Ausstellung ebenso wirkungsvoll ins Bild gesetzt wie die ursprüngliche Wandbemalung. Vorraum und Halle waren mit mehrfarbigen Marmorsockeln voller floraler Ranken geschmückt, es gab einen Sternenhimmel und einen Mosaikfußboden. Alles ist in der Substanz erhalten und könnte restauriert werden.

Der Verfall ist jedoch dramatisch: Das Dach ist akut einsturzgefährdet, Schimmel und Nässe setzen den rissigen Mauern zu, Leitungen, Fenster und Fassade sind renovierungsbedürftig. Die Kosten dafür veranschlagt die Gemeinde mit einer Million Euro. Knapp 60 000 Euro bilden erst den Sockel, unter anderem durch eine große Benefiz-Gala. Da die 500 Mitglieder das fehlende Geld niemals aufbringen können, ist man auf Hilfe angewiesen.

Ganz in der Zedaka-Tradition, der jüdischen Wohltätigkeit, ist eine symbolische große Spendenbüchse aufgebaut. Schließlich haben Fürther Juden selbst so großzügig gespendet, dass man auf Unterstützung für das „Haus des Lebens" oder den „Guten Ort" hofft, wie jüdische Friedhöfe bezeichnet werden.

CLAUDIA SCHULLER

Eröffneten gemeinsam die Ausstellung im Jüdischen Museum: Leiterin Daniela Eisenstein (links) und Gisela Naomi Blume, Vorsitzende der Israelitischen Kultusgemeinde, vor dem Porträt Hugo Heinemanns. Foto: Hans-Joachim Winckler

Intentional Second Exposure

The opening of an important exhibit at the Jewish Museum in Fuerth
in co-operation with Daniela Eisenstein & Gisela-Naomi Blume.

Haus des Lebens

Ausstellung im Jüdischen Museum über Friedhofshalle

„Eine Friedhofshalle braucht jeder einmal, darum ist sie mir so wichtig", sagt Gisela Naomi Blume, die Vorsitzende der Fürther Israelitischen Kultusgemeinde.

Kurz zuvor hat sie zusammen mit Oberburgermeister Thomas Jung und Museumsleiterin Daniela Eisenstein eine Ausstellung im Jüdischen Museum eroffnet, die sich der akut einsturzgefährdeten Aussegnungshalle auf dem neuen Jüdischen Friedhof widmet *(wir berichteten)*. Zu sehen sind in der Schau Fotografien, die die Geschichte des historischen Bauwerks an der Erlanger Straße, aber auch die beträchtlichen Bauschäden zeigen. Gleichzeitig erhält der Besucher Einblick in die Ausstattung und die Geschichte der Halle.

Besonders anrührend: die Begräbnisriten und die Tradition der Chewra Kaddischa, der Totenbruderschaft. Der „Heiligen Vereinigung" obliegt die Bestattung, Waisenfürsorge und Friedhofserhaltung. Ehrenamtlich trösten sie die Hinterbliebenen, waschen den Toten im Reinigungshaus, der Beth Tahara, kleiden ihn und haben bei der Beerdigung selbst zahlreiche Aufgaben. Kein Wunder, dass man sagt, sie könnten sich damit das Himmelreich verdienen und übten die größte Mitzwa, die wichtigste religiöse Pflicht, aus.

Stellvertretend für die Fürther Chewra Kaddischa, der bis 100 Personen angehörten, ist ein Porträt von Hugo Heinemann abgebildet. „Die rituelle Reinigung mit Wasser befreit die Toten von den Sünden. Ebenso ist es im Judentum üblich, Bestattungen so schnell wie möglich durchzuführen und auf Blumen zu verzichten", erläutert Blume. Auch Friedhofsbesucher waschen sich die Hände mit der Natla, einem hübschen Becher mit zwei Griffen, der auf einem Foto zu sehen ist.

Die prächtige Sandsteinhalle wurde 1902 im Neo-Renaissance-Stil erbaut und besticht durch fast schlossartige Formen, wobei die Dreiteilung mit der betonten Mitte, der zentralen Trauerhalle, ins Auge fällt. Das große, aufwändige Gebäude von Architekt Adam Egerer wird durch einen Mittelrisaliten mit Dreiecksgiebel, Zahnschnitt und Palmettenbekrönung strukturiert, die Fassade ist reich geschmückt, wie ein Originalplan von 1901 darstellt.

Florale Muster

In Hebräisch und Deutsch trägt der Giebel die Inschrift „Schalom, Friede den Fernen und den Nahen". Die großzügige Auffahrt und das schmiedeeiserne Tor sind in der Ausstellung ebenso wirkungsvoll ins Bild gesetzt wie die ursprüngliche Wandbemalung. Vorraum und Halle waren mit mehrfarbigen Marmorsockeln voller floraler Ranken geschmückt, es gab einen Sternenhimmel und einen Mosaikfußboden. Alles ist in der Substanz erhalten und könnte restauriert werden.

Der Verfall ist jedoch dramatisch: Das Dach ist akut einsturzgefährdet, Schimmel und Nässe setzen den rissigen Mauern zu, Leitungen, Fenster und Fassade sind renovierungsbedürftig. Die Kosten dafür veranschlagt die Gemeinde mit einer Million Euro. Knapp 60 000 Euro bilden erst den Sockel, unter anderem durch eine große Benefiz-Gala. Da die 500 Mitglieder das fehlende Geld niemals aufbringen können, ist man auf Hilfe angewiesen.

Ganz in der Zedaka-Tradition, der jüdischen Wohltätigkeit, ist eine symbolische große Spendenbüchse aufgebaut. Schließlich haben Fürther Juden selbst so großzügig gespendet, dass man auf Unterstützung für das „Haus des Lebens" oder den „Guten Ort" hofft, wie jüdische Friedhöfe bezeichnet werden.

CLAUDIA SCHULLER

Eröffneten gemeinsam die Ausstellung im Jüdischen Museum: Leiterin Daniela Eisenstein (links) und Gisela Naomi Blume, Vorsitzende der Israelitischen Kultusgemeinde, vor dem Porträt Hugo Heinemanns. Foto: Hans-Joachim Winckler

After years of searching Gisela-Naomi Blume succeeded in bringing a Kosher Sefer Tora from Israel to Fuerth for the dedication on 9/14/06.

Samtener Traubaldachin für die Thorarolle

Die jüdische Gemeinde weiht neuen religiösen Gegenstand im Rahmen eines großen Fests ein

VON MARTINA HILDEBRAND

Am Sonntag in einer Woche feiert die israelitische Kultusgemeinde ein seltenes Fest: die Einweihung der neuen Thorarolle. Ein Sofer (Schreiber) hat mehr als ein Jahr lang daran gearbeitet. So lange dauert es, bis die fünf Bücher Mose von Hand auf Papier geschrieben sind. Für die Gemeindevorsitzende wird der Tag ein doppelter Festtag, denn Shlomo Wurmser ist nach abgelegter Prüfung neuer Rabbiner.

„Die Stimme des Jubels und die Stimme der Freude" steht in hebräischen, goldenen Buchstaben auf der einen Seite des Baldachins, den Shlomo Wurmser und Gisela Naomi Blume für den Festtag fertig machen. Foto: Günter B. Kögler

FÜRTH – Als Gisela Naomi Blume ihn fragt, wie der Urlaub war, geht ein Lächeln über sein Gesicht. Schön sei es gewesen, und etwas leiser fügt er hinzu: Rabbiner dürfe man ihn jetzt nennen. Die Vorsitzende der israelitischen Kultusgemeinde ist vor Freude über diese überraschende Mitteilung fast aus dem Häuschen. „Masaltov!", „Alles Gute und viele, viele Glückwünsche", sprudelt es aus ihr heraus, als der 23-jährige Shlomo Wurmser, Sohn des früheren Fürther Rabbiners Nethanel Wurmser, ihr die Nachricht überbringt. „Na so was. Dass er in Israel seine Prüfung macht, davon hat er nichts erzählt", sagt sie lächelnd. Nach der konfliktreichen Trennung von Rabbiner Yakob Harety ist nun wieder Ruhe in das Gemeindeleben eingekehrt.

Fest mit Seltenheitswert

Die gute Nachricht kommt anderthalb Wochen vor dem großen Festtag, an dem Wurmser, der seit Januar in der Synagoge den Gottesdienst leitet, nun als Rabbiner der jüdischen Fürther Gemeinde auftreten wird. Dort wird am 10. September „Hachnassat Sefer Torah", die Einweihung der Thorarolle mit Vertretern verschiedener jüdischer Gemeinden, Politikern und vielen Ehrengästen gefeiert.

Die Feier hat Seltenheitswert. Denn die Thorarolle, die die fünf Bücher Mose von Hand auf Pergament geschrieben enthält, ist eine Kostbarkeit, die so sorgfältig aufbewahrt wird, dass sie viele Jahrzehnte lang benutzt werden kann. „Unsere ist inzwischen 100 Jahre alt, doch es fehlten immer mehr Buchstaben. Daher ist sie im religiösen Sinne nicht mehr koscher", erklärt Blume. Der Sofer, der Thoraschreiber, der zum Reparieren beauftragt wurde, riet der Gemeinde, sich eine neue anzuschaffen – noch ehe die kostspieligen Mängel an der Friedhofshalle bekannt wurden. „Wir haben viele kleine und eine große, zweckgebundene Spende bekommen. Nur so war es möglich, die neue Rolle zu kaufen", erklärt Blume.

Die Thorarolle wird nun kommende Woche von Israel nach Fürth gebracht und im Rahmen einer feierlichen Zeremonie, bei der die letzten 50 Buchstaben vor Ort geschrieben werden, eingeweiht. „Wir werden mit der Rolle einen Umzug von unserem Gemeindezentrum zur Synagoge machen", erzählt Blume. Damit der religiöse Gegenstand keinen Schaden nimmt, hat die Gemeinde einen so genannten Traubaldachin gefertigt, der auch für Hochzeiten benutzt wird. Vier Männer werden ihn halten, darunter wechseln sich weitere mit dem Tragen der Thora ab.

Blume deutet auf den Baldachin, der in einem Raum im Gemeindezentrum steht. Genäht hat ihn, nach Blumes Vorlage, der Schneiderladen in der Blumenstraße. Auf einer Seite des blauen Samts, der mit kleinen goldenen Troddeln verziert ist, steht: „Die Stimme des Jubels und die Stimme der Freude", auf der anderen: „Die Stimme des Bräutigams, die Stimme der Braut". Die Schriftzüge sind in goldenen hebräischen Buchstaben auf den Samt gepresst. „Eigentlich", sagt Blume, „werde das mit Goldfaden gestickt." Doch das hätte den Rahmen des Spendenbudgets gesprengt. Behilflich war nun ein Kopiergeschäft.

Die Einweihung des religiösen Gegenstands hat für Blume eine besondere Bedeutung. „Ich hoffe, dass das große Ereignis unsere Gemeinde noch enger zusammenführt und wir alle uns als starke Gemeinschaft begreifen."

FÜRTHER HEIMATBLÄTTER

HERAUSGEGEBEN VOM GESCHICHTSVEREIN FÜRTH E.V.

Neue Folge / 50. Jahrgang
2000 / Nr. 1 – Einzelpreis 7,– DM

B 5129 F

INHALTSVERZEICHNIS

GISELA BLUME, Die von den Juden über die Straßen gezogenen Drähte oder Der Eruv in Fürth 1

ELISABETH MEMMERT, Lebensläufe bei St. Michael 18

BUCHBESPRECHUNGEN 25

GISELA BLUME

Die von den Juden über die Straßen gezogenen Drähte oder Der Eruv in Fürth

Eruv ist hebräisch und bedeutet Vermischung, Vereinigung. Man unterscheidet drei Arten von Eruvim:

- Der Eruv Techumin, d.h. Grenzen, bezeichnet die 2000 Ellen (ca. 1km), die man am Schabbat aus seinem Ort hinausgehen darf, ohne das Gebot „niemand verlasse seinen Ort" (2. Mos. 16,29) zu übertreten.
- Der Eruv Tawschilin, d.h. Zeiträume, ermöglicht es, an einem Feiertag für den unmittelbar darauf folgenden Schabbat zu kochen, ohne das Ruhegebot zu verletzen.
- Der Eruv Chazerot, d.h. Höfe, ist eine Einrichtung, die den privaten mit dem öffentlichen Bereich verbindet und es ermöglicht, innerhalb dieses Gebietes am Schabbat zu tragen, was sonst nicht erlaubt ist.[1] Nur von diesem zuletzt genannten Eruv wird im Folgenden die Rede sein.

Um die Problematik besser zu verstehen, ist es nötig, sich ein wenig mit dem Schabbat und seinen Vorschriften vertraut zu machen. Der Bericht von der Erschaffung der Welt endet mit dem 7. Tag „und G'tt hatte am 7. Tag sein Werk vollendet, das ER gemacht. Und G'tt segnete den 7. Tag und heiligte ihn, denn an ihm ruhte G'tt von allem Werke, das ER erschaffen." (1. Mos. 1,3). Und in 2. Mos. 20,8-11 steht als 4. Gebot „Gedenke des Shabattages, um ihn zu heiligen. Sechs Tage darfst du arbeiten und alle deine Werke verrichten. Aber der 7. Tag ist ein Shabat dem Ewigen, deinem G'tt, da sollst du keinerlei Werk verrichten. Weder du, noch dein Sohn oder deine Tochter, noch dein Knecht oder deine Magd, noch dein Vieh, noch der Fremde, der in deinen Toren ist." Weiter in 2. Mos. 31,14 „jeder, der an ihm eine Arbeit verrichtet, soll aus seinem Volke ausgerot-

tet werden. Zwischen mir und den Kindern Israel sei er ein ewiger Bund." Wer, wie ER am 7. Tag ruht, dem wird der Schabbat eine Vorahnung auf die zukünftige Welt sein.

Im Talmud Traktat Schabbat werden die am Schabbat verbotenen 39 Arten von Tätigkeiten von den für die Errichtung des Stiftszeltes in der Wüste erforderlichen Verrichtungen hergeleitet. Weil geschrieben steht „sie nahmen von Mose all die Gaben, welche die Kinder Israel gebracht hatten zum Dienste des Heiligtums" und „nehmet euch in acht um euer Leben, dass ihr nicht Lasten aufladet am Shabat und einbringet in die Tore Jerusalems und führet keine Lasten aus eueren Häusern, sondern heiligt den Shabat" (Jer. 17,21f.), deshalb ist Tragen von der Öffentlichkeit in den privaten Bereich und umgekehrt, sowie Tragen in der Öffentlichkeit nicht gestattet. Das bedeutet praktisch, dass am Schabbat außer Haus nur die Kleider am Leib getragen werden dürfen, jedoch kein Schirm, kein Hausschlüssel, kein Taschentuch, kein Gebetbuch, auch kein Kleinkind. Schmuck aus Gold oder Silber gehört zur Kleidung. Am Freitagnachmittag, vor Beginn des Schabbat, untersuchen Thoratreue alle Hosen- und Manteltaschen, damit nicht versehentlich eine Münze, ein Knopf, eine Büroklammer darin bleiben.

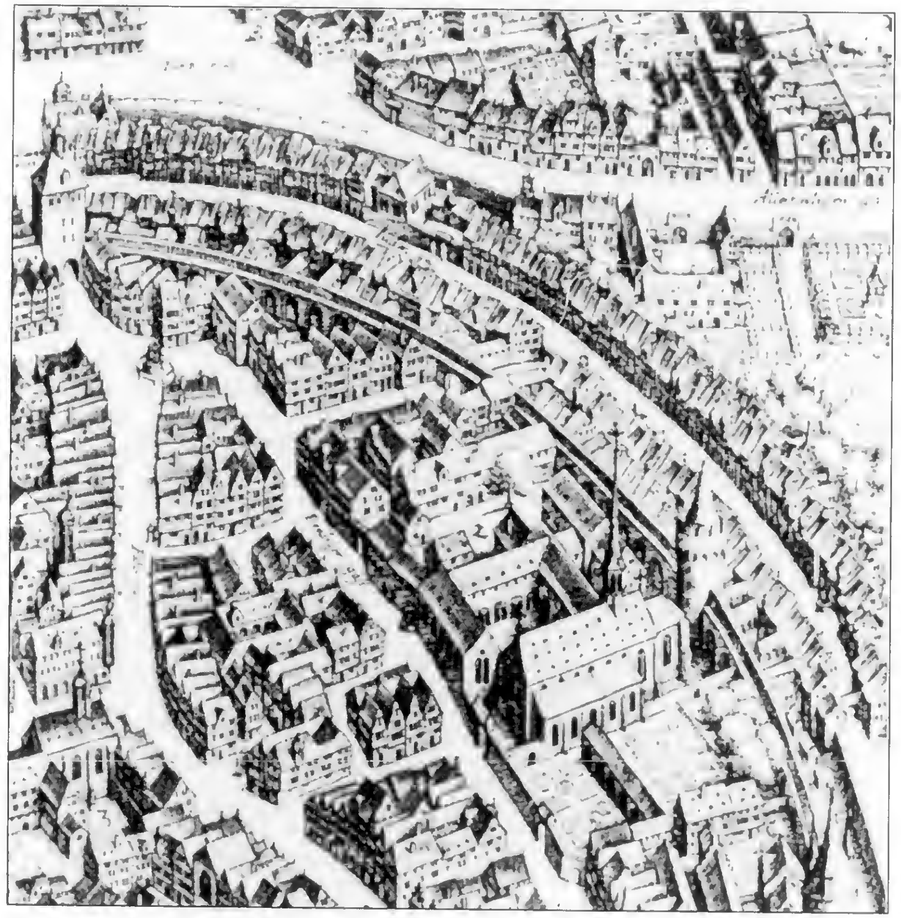
Als privater Bereich gelten Wohnung, Haus, umzäunter Garten und Hof, als öffentlicher Bereich Straße und der Allgemeinheit zugängliche Plätze. Mit Mauern umgebene Städte gelten jedoch insgesamt als privater Bereich, in dem die Menschen wie in einer großen Familie zusammen leben. Ein Beispiel dafür ist die Altstadt von Jerusalem. In Orten ohne Mauern ersetzen Schranken an den Ausfallstraßen die Stadttore.

Abb. 1: Der Eingang zum Ghetto in Eisenstadt (Burgenland), die Absperrkette war Grenze für das Tragen am Schabbat.[2]

Die Tore oder Schranken der jüdischen Ghettos überall in Europa dienten also nicht nur dem Bedürfnis der Christen, sich von den Juden abzugrenzen, sondern ebenso den Juden als Markierung ihres privaten Bezirks. Auf dem perspektivischen Plan Frankfurts ist rechts vorne ein Tor der Judengasse zu erkennen (s. Abb. 2, S. 3).

Wo die jüdische und die christliche Bevölkerung ohne Ghetto zusammenlebten, wie z.B. in Fürth, war es nicht möglich, am Schabbat die Ausfallstraßen durch Tore oder Schranken zu schließen. In solchen Fällen wurden Drähte oder Schnüre in sicherer Höhe quer über die Straßen gespannt und so symbolische Tore errichtet. Für ihre richtige Aufhängung gibt es genaue Anweisungen. Die Drähte oder Schnüre müssen beidseitig an der Oberkante von Pfosten in mindestens 1m Höhe angebracht sein. Um den Eindruck eines Tores zu vermitteln, dürfen sie nicht durchhängen (s. Abb. 3, S. 4).

Ganz wichtig ist, dass die Drähte nirgends unterbrochen sind. Deshalb



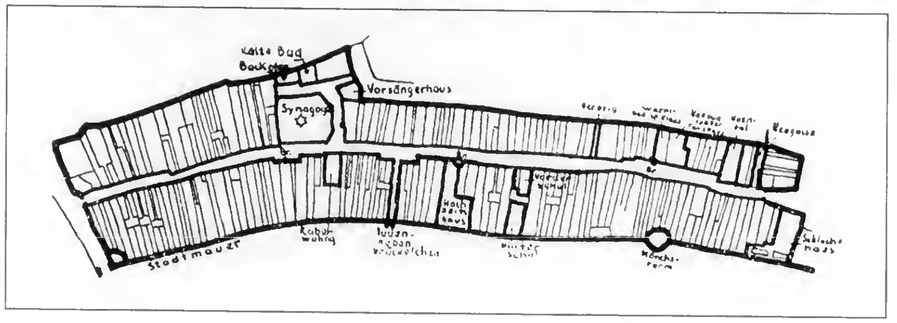


Abb. 2: Perspektivischer Stadtplan mit Judengasse Frankfurt/M. 1624 und die Judengasse in Frankfurt/M. 1711.[3]

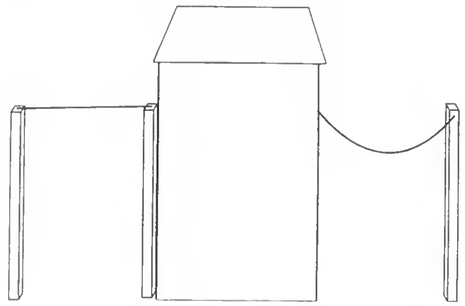


Abb. 3: links richtige, rechts falsche Eruv-Konstruktion.[4]

wird jeden Freitagvormittag kontrolliert, ob die Verbindung unversehrt besteht. Das Recht zur Einrichtung und unversehrten Erhaltung eines solchen Eruvs musste früher oft teuer von der Obrigkeit erkauft werden.

In Fürth lebten seit 1528 ständig Juden. Bald nach der Zuwanderung frommer Wiener Exulanten im Jahr 1670 war hier die Jeschiva (talmudische Hochschule) gegründet worden, die viele Rabbiner, Studenten und Besucher anzog. Es steht außer Zweifel, dass es hier einen Eruv gegeben hat. Im Stadtbild ist heute natürlich nichts mehr davon zu sehen, aber es gibt Unterlagen im Stadtarchiv.

Oberrabbiner Meschullam Salman Kohn war schon drei Jahre tot, aber noch kein Amtsnachfolger bestimmt, als das amtierende Rabbinatskollegium ein Schreiben[5] erhielt, das wie eine Bombe eingeschlagen haben muss. Es lautete:

„Der Magistrat ist entschloßen, ein Verboth wegen Entfernung derjenigen Drähte zu erlaßen, welche an den äußersten Enden der Stadt von einer Straße zur anderen gezogen sind.
Ehe man jedoch zur Ausführung dieses Vorhabens schreitet, will man zuerst die Rabiner in ihrer Erklärung vernehmen, in welcher religiösen Beziehung diese Drähte mit den Glaubensbegriffen der Juden stehen, und welchem Institut dieselben ihre Entstehung zu verdanken haben. Die Rabiner erhalten demnach den Auftrag, sich binnen 8 Tagen hierüber umso gewißer vernehmen zu laßen, als ansonst ohne weiteres zur Abnahme dieser Drähte von Amts wegen geschritten werden wird.
F. d. 21. März 1822
Stadtmgstr. Baeumen, Schönwald, Faber"

Franz Joseph von Baeumen (1784-1861) war der erste Bürgermeister nachdem Fürth 1818 zur Stadt erhoben wurde, er trat 1857 in den Ruhestand.
Adolf Schönwald aus Königsberg war seit 1818 bis zu seinem Tod 1848 zweiter Bürgermeister.
Michael Heinrich Faber (1772-1855) war ebenfalls seit 1818 der erste städtische Rechtsrat.[6]

Die Rabbiner antworteten am 28. März:
„Wohllöblicher StadtMagistrat!

Die von dem hiesigen hochlöbl. Stadt.Magistrat uns am 21ten dieses (Monats) gemachte Anfrage in Betref der über einige Straßen dahier gezogenen Drähte, haben wir die Ehre hiermit ehrerbietigst zu beantworten.

1) Das Religionsgesetz verbietet uns, am Sabbath etwas, was nicht als Kleidung am Leibe getragen wird von einem auf vier Seiten eingeschloßenen mit einer zehn Fäuste

hohen Umfaßung umgebenen Raume auf offene Plätze, oder aus offenen Plätzen in obengenannte Räume zu bringen. Ebenso unerlaubt ist auf offenen Plätzen das Mindeste vier Ellen weit zu tragen, Thalmud Traktat Sabbath Fol. 6 und 96. Maimonides Traktat Sabbath Abschnitt 12 und 14.

Daher müßen in einer Stadt, wie der hiesigen die keine Mauern und Thore hat, von der einen Seite der Straße zur anderen Seite Drähte oder Schnüre gezogen werden, wo dann vermög der mündlichen mosaischen Überlieferung die Straße als eingeschloßener Raum betrachtet wird, und das Tragen aus den Häusern auf die Straße und umgekehrt erlaubt ist. Thalmud Erubin Fol. 1.6.7. Maimonides Traktat Sabbath Abschnitt 17.

2) Die obigen Verbothe sind nach Beschaffenheit der Straßen, theils aus der Thora selbst, vermöge der mündlichen überlieferten mosaischen Erklärung derselben, theils aus den Zeiten der Mischnah.

Wir genoßen bis jetzt, durch die Gnade unseres allergnädigsten Königs, und der Milde der Vollzieher seines Willens, die Begünstigung wegen der genannten Drähte, und bitten den Hochlöblichen hiesigen Stadt.Magistrat uns hierinnen ferner gütigst zu begünstigen, da in Ermangelung deßen, die hiesigen israelitischen Einwohner, welchen die Beobachtung ihrer Religionsgesetze am Herzen liegt, sehr gekränkt wären, indem dann die Beschränkung fast unerträglich wäre, und häufige Veranlaßung zur Übertretung geben würde.

Verehrungsvoll verharret
Das dahiesige Rabinat
J.M. Falkenau
Lippmann Hertz Gerau
J.L. Halberstädter"

Josua Moshe Falkenau(er) war am 20.5.1774 in Fürth als ein Nachfahre des Oberrabbiners Baruch Rappaport geboren, er hatte um 1791 die Fürther Jeschiva besucht, 1804 wurde er Dajan, d.i. Richter beim rabbinischen Gericht, vor 1822 Rabbinatsverweser. Nach dem frühen Tod seiner Frau Hanna blieb er mit neun kleinen Kindern zurück. Im bürgerlichen Beruf Kaufmann und Juwelier, arbeitete er jahrelang unentgeltlich für die Gemeinde und starb am 27.5.1829 als armer Mann.

Lippmann, Sohn des Herz Gerau, geboren in den 1750er Jahren (vermutlich nicht in Fürth) war im bürgerlichen Leben Schul- und Waisenlehrer, auch er war Dajan, außerdem Angestellter der Klauß-Synagoge und Mitunterzeichner der Waisenhausstatuten von 1818. Er hatte 10 Kinder und starb am 22.6.1829, seiner wird im Memorbuch der Waisenschul gedacht.

Juda Löb Halberstädter, geboren am 1.3.1777 in Fürth, war der letzte Dajan in Fürth, er war der Lehrer des später sehr berühmten Würzburger Rabbiners Seligmann Bamberger. J.L. Halberstädter hatte 11 Kinder, er starb am 14.4.1831 in Fürth an Krebs.[7]

Der sonst zwischen 1820 und 1830 als Rabbinatsverweser genannte Rabbiner Wolf Lippmann Hamburger tritt hier und im ganzen folgenden Verlauf nicht in Erscheinung.

Bereits am 1. April erging der Beschluss, dessen schroffer Ton und dessen Begründung jeden schockieren, der bisher an das harmonische, weitgehend problemlose Zusammenleben von Christen und Juden in unserer Stadt geglaubt hat. Hier der Wortlaut:

„Auf die von den hiesigen Rabinern abgegebene Erläuterung, rücksichtlich der von einer Straße zur anderen gezogenen Drähte beschließt der Magistrat der K.B. Stadt Fürth hiermit, daß die Rabiner verbunden seien, diese Drähte binnen 14 Tagen umso gewißer wegnehmen zu laßen, als sie ansonst auf ihre Kosten von Amts wegen abgenommen werden sollen.

Gründe:

das talmudische Gesez, wonach die Juden am Sabbath von einem offenen Plaze zum anderen nichts tragen sollen, gehört unter die Reihe derjenigen Institute, welche als veraltet, bei hell denkenden Israeliten anderer aufgeklärter Städte schon längst außer Übung gekommen sind, indem es den religiösen Juden nicht an Mitteln und Gelegenheit fehlt, den Sabath auf eine dem Stifter ihres Glaubens würdige Weise zu feiern. Der Gebrauch aber, die Straßen durch Drähte sinnbildlich zu sperren, ist eine Erfindung der Talmudisten, welche umso weniger in Schuz genommen werden kann, als

1. für den Fortbestand derselben durehaus kein vernünftiger Grund vorhanden ist,
2. Das Ziehen der Drähte die Straßen verunstaltet,
3. In polizeilicher Hinsieht gefährlich ist,
4. Der Stadt das Ansehen eines Judenortes gewährt, in welchem veraltete Mißbräuche unter obrigkeitlichem Schuze bestehen, endlich
5. Ein Eingriff in die Gewissensfreiheit der Juden damit nicht verbunden ist, weil religiöse Gebräuche nur an den besonders dazu bestimmten Orten, nicht aber auf offener Straße geübt werden sollen."

Die Empfehlung des städtischen rechtskundigen Rates Hessel, auf Abschaffung dieser Drähte nicht zu drängen, da es „dem Magistrat nicht zusteht, Abänderungen im Kultus dieser Glaubensgenoßen eigenmächtig anzuordnen", blieb ungehört.

Dr. jur. Johann Gottfried Hessel war seit 1818 zweiter Rechtsrat der Stadt Fürth, 1823 war er Landgerichtsrat.[5]

Daraufhin wandten sich die Rabbiner an die Kammer des Innern der königl. bayr. Regierung des Rezatkreises und trugen u.a. vor: „In den Straßen hiesiger Stadt, und zwar ungefähr an den äußersten Enden derselben sind Schnüre in der Höhe des 3ten oder 4ten Stockwerks von einer Reihe der Häuser bis zur gegenseitigen Reihe gezogen, deren Gesamtzahl aus mehreren Schnüren und Drähten, letztere nur zufällig, statt der Schnüre angebracht. Diese Schnüre an denjenigen Straßen, die aus der Stadt führen, bestehen schon beinahe 100 Jahre und hat die Judenschaft dieses Recht damals deshalb erhalten, weil die jüdische Religion das Tragen aus eingeschloßenen in freye Räume am Sabat verbietet, einen mit Schnüren umzogenen Ort aber, als ein eingeschloßenen Complea, und gleich einer von Mauern umzingelten Stadt betrachtet."

Weiter argumentierten die Rabbiner, dass die Drähte 100 Jahre lang niemanden gestört hätten, so dass sie nun als Gewohnheitsrecht betrachtet werden müssten. Die Behauptung des Magistrats „daß das Talmudische Gesetz unter die Reihe der veralteten Institutionen gehört, die bey helldenkenden Israeliten anderer aufgeklärter Städte längst außer Übung gekommen", wurde mit dem Hinweis gekontert, es möge sein, dass eine

kleine Anzahl von sogenannten helldenkenden Israeliten diese Verbote nicht mehr achte, aber dieses Häuflein von Schöngeistern könne nicht maßgeblich sein, um die Gesetze zu ändern, auch gebe es solche in allen Glaubensgemeinsehaften, ohne dass die Rechtgläubigen sich durch sie irritieren ließen. Die Rabbiner wiesen auf den hohen Stellenwert der talmudischen Auslegungen hin und verwahrten sich gegen Belehrungen des Magistrats in Glaubensdingen, indem sie §9, Tit. IV der Verfassungsurkunde zitierten:
„die geistliche Gewalt darf in ihrem eigentlichen Wirkungskreiß nie gehemmt werden, und die weltliche Regierung darf in rein geistliche Gegenstände der Religions-Lehre und des Gewißens sich nicht einmischen."

Auch betonten sie, dass es in allen bayrischen Städten und fast allen Dörfern mit jüdischen Einwohnern solche Schnüre oder Schlagbäume gebe, und ebenso im Ausland. Weiter sei es unmöglich, dass die in Höhe des 3. oder 4. Stockwerks gezogenen, dünnen Schnüre die Stadt verunstalteten. Was die behauptete Gefahr anlangt, wurde erwidert, es seien nur wenige Drähte verwendet, man sei durchaus bereit, diese durch Schnüre zu ersetzen. Das umfangreiche Schreiben endete mit den deutlichen Worten „im Vertrauen auf die erhabenen humanen Gesinnungen einer Koeniglichen Regierung wagen wir die unterthänigste Bitte, Eine Koenigliche Regierung geruhe den Magistrat hiesiger Stadt dahin zu verständigen, daß die Drähte oder Schnüre nicht abgenommen, und daß derselbe in seinen Verfügungen jeder Einmischung in rein geistliche Sachen, vorzüglich aber, in seinen Erläßen volends jeder Belehrung unseres Glaubens und Lehrbegriffe oder gar Herabwürdigung derselben sich zu enthalten habe."

Die Regierung in Ansbach entschied „da der Gebrauch der Sabathdrähte den Vorschriften des Talmud gemäß ist, dieselben auch sich niemals als gefährlich bewährt haben, so sind sie vorerst noch zu belassen."

Dagegen legte Bürgermeister Baeumen Beschwerde beim König ein. Das Argument von Rechtsrat Hessel, der Magistrat selbst sei wohl von der Gefährlichkeit nicht sehr überzeugt, da er doch bei der erst kürzlich neu installierten Straßenbeleuchtung auf starken Drähten beharrt habe, hatte ihn offenbar nicht überzeugt. Nach längerem Hin und Her erging der Beschluss, die Judenschaft solle Vorschläge unterbreiten, wodurch die Drähte ersetzt werden könnten, da sie auch von allerhöchster Stelle als störend und unzeitgemäß erachtet würden.

Die Rabbiner beharrten in ihrer Erwiderung vom 22. November 1822 zwar weiterhin auf Beibehaltung der alten Rechte, schlugen für den äußersten Fall jedoch zwei Möglichkeiten vor: Entweder an allen äußersten Ausgängen der Stadt ordentliche Barrieren anzubringen, die keineswegs gesperrt zu werden bräuchten, allein durch ihr Vorhandensein würde die Stadt als mit Toren versehen erachtet, oder aber einen neuen Eruv mit Hilfe der Straßenbeleuchtung einzurichten.

1808 war zum ersten Mal eine Straßenbeleuchtung in den meistbegangenen Straßen Fürths eingeführt worden, auf die aber bald aus finanziellen Gründen wieder verzichtet werden musste. Am 20. November 1822 (also gerade zwei Tage vor dem Vorschlag der Rabbiner) wurde die Straßenbeleuchtung mit 85 Öllaternen eingeführt, für die von einer Kommission freiwillige Beiträge gesammelt wurden und deren jährlicher Unterhalt 3000 Gulden kostete. In der Liste der freiwilligen Spender erscheinen auffallend viele jüdische Einwohner.

Abb. 4: Die Haupt-Synagoge in Fürth, erbaut im Jahre 1616.

Die Laternengehäuse waren aus Eisen gefertigt, ihre Wände an zwei, drei oder vier Seiten mit dauerhaft versilberten Blendspiegeln versehen. In sie wurden aus Tiroler Messing gefertigte Lampenbecher eingestellt. Die Laternen waren an starken Kupferdrähten und gut gedrehten, in geschwärztem Leinöl getränkten Stricken so aufgehängt, dass sie durch Winden und Messingrollen abends herabgelassen und früh wieder hochgezogen werden konnten. Die Aufhängung war meist an gegenüberliegenden Hausfassaden durch Haken verankert, die Schnüre befanden sich in Holzkästchen darunter. Während der Nacht hingen die Laternen 14 Fuß hoch. Sie wurden nur abends, je nach Jahreszeit zwischen zwei und sieben Stunden beleuchtet, in mondhellen Nächten überhaupt nicht. Je Stunde Brenndauer verbrauchte eine Laterne ca. zwei Lot Raps- oder Leinöl.[9] Eine der neuen Laternen wurde „im Judenschulhof" angebracht. Auf dem Stich von Gerson Löwensohn aus dem Jahr 1839 (Abb. 4) ist sie mit ihrer Aufhängung gut zu erkennen.

Gerson, Sohn des Isaak Löwensohn, wurde am 1.3.1817 in Fürth geboren. Die Familie hieß vor 1813 Zirndorfer. Gerson L. wurde Kupfer- und Stahlstecher und Buchhändler bevor er 1844 eine eigene Druckerei gründete. 1859 betrieb er ein lithographisches Institut mit Druckerei in der damaligen Sterngasse 175, aus dem sich der Bilderbuchverlag G. Löwensohn entwickelte, der noch heute als Pestalozzi-Verlag existiert. Aus der Ehe mit Helene, geb. Zenner, gingen eine Tochter und die Söhne Bernhard und Theodor hervor. Gerson Löwensohn starb am 24.2.1871 an Hirnschlagfluss.[7]

Die Idee, Barricren zu errichten, verfolgte der Magistrat nicht weiter, aber er forderte die Rabbiner auf, innerhalb eines Monats genau zu erklären, an welchen Stellen der Stadt welche Vorrichtungen an den Laternenaufhängungen notwendig wären.

Die Rabbiner nannten daraufhin 18 Plätze an verschiedenen Ausgängen der Stadt und übergaben dazu zwei Listen. Liste A enthielt zehn vorhandene Laternen an genau bezeichneten Positionen, Liste B acht genau bezeichnete Positionen, an welchen neue Laternen angebracht werden müssten, „wenn die Sabathdrähte hierdurch vollends surrogiert seyn sollen." Dazu müssten nur auf beiden Seiten der Straßen unter die Befestigung der Laternendrähte vom Straßenpflaster in gerader Richtung aufwärts kleine, dünne Stäbe aus Eisen oder Holz angebracht werden, so wie das bisher schon bei den Sabathdrähten der Fall sei. Diese Stäbe von mindestens 4 Schuh Höhe und 1 Zoll Dicke[10] würden die Torpfosten versinnbildlichen. Probleme sahen die Rabbiner durch die Kosten für die Anschaffung der acht neuen Laternen, ihren laufenden Unterhalt und auch in der fraglichen Zustimmung der Hauseigentümer zu ihrer Befestigung. Die größte Sorge war jedoch, was passiere, wenn auch diese Laternen wieder abgenommen würden, sei es vorübergehend im Sommer oder ganz.

In den beiden übergebenen Listen sind auch die Positionen der bisherigen Schabbatdrähte genannt, die, von der Verfasserin in den bekannten Stadtplan von 1822 übertragen, den Fürther Eruv zeigen, wie er ca. 100 Jahre lang bis 1823 existierte. Um die Situation noch deutlicher zu machen, wurden die 1819 in jüdischem Besitz befindlichen Häuser schwarz markiert.[11]

Bisherige Schabbatdrähte:

1. In der unteren Frankfurter Straße vom Hause No. 6 gegen No. 53
2. Am Hauptmarkt von No. 69 bis zu No. 226B (muss heißen 226a)
3. In der Bauerngasse von No. 115 bis No. 213
4. Im Helmplatzgäßlein von No. 157A bis zum Hintergebäude von No. 265
5. In der obern Frankfurther Straße von No. 266 bis No. 279
6. In der Altneugasse von No. 422 bis zum gegenüberstehenden Hause
7. In der Alexandergasse von No. 520 bis zu No. 531
8. Am scharfen Eck von Haus No. 549 bis zu No. 524
9. In der Judenhospitalgasse No. 482 bis zur gegenüberstehenden Scheune
10. Am Gengersberg an No. 348
11. In der Schrotgasse von Haus No. 62 gegen das Hinterhaus No. 52
12. In der Fischergasse von No. 117 bis zu 135
13. Hinterm Schindelhofe von No. 134 (muss heißen 144) bis zum Mauermeyers Scheune
14. In dem Poppengäßchen

15. Am Kohlenmarkte zwischen den Häusern 510 und 511
16. Am Bausengarten[17] von Haus No. 499 bis zu gedachtem Garten
17. In der Schlehengasse vom Judenbegräbniß bis zur Haus No. 487
18. Von Haus No. 344 bis 347

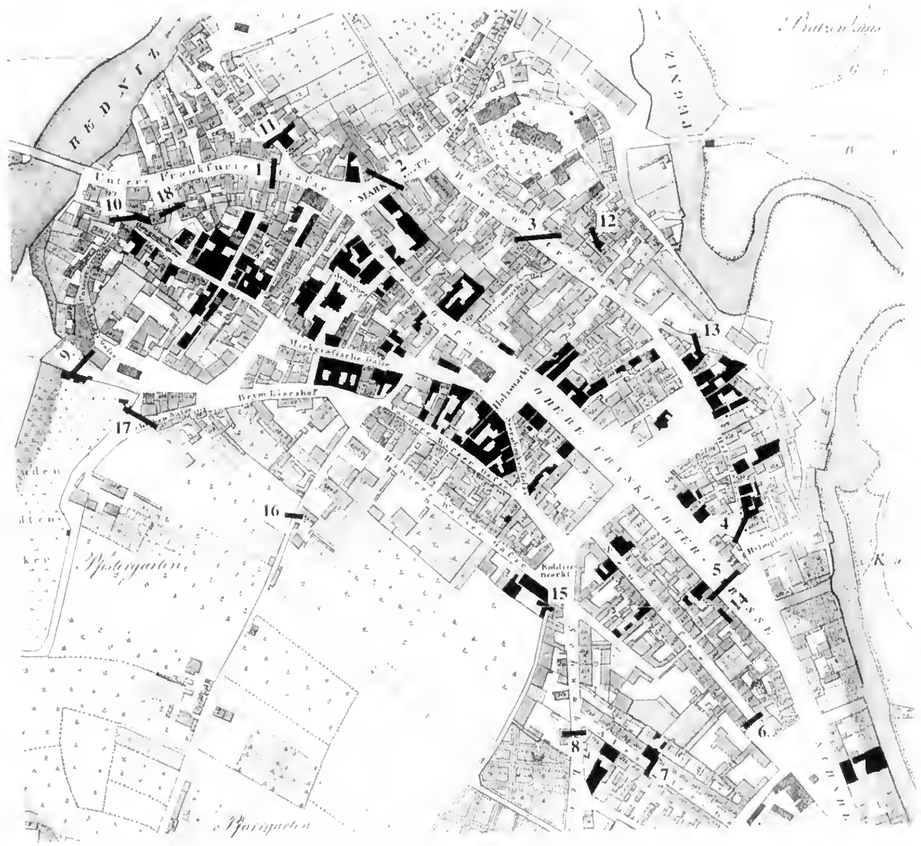


Abb. 5: Der Eruv in Fürth durch Schabbatdrähte bis 1823.

Die vom Magistrat befragte Straßenbeleuchtungskommission veranschlagte für die Anschaffung der acht neuen Laternen 336 Gulden, für ihren jährlichen Unterhalt 235 Gulden. Die gewünschten Positionen einiger wurden als ungünstig erachtet, weil zu nahe an schon vorhandenen, die anderer aber als durchaus wünschenswerte Verbesserung gesehen.

Nun sollte sich der Vorstand des israelitischen Religionsvereins, wie die Kultusgemeinde damals hieß, zur Übernahme der Kosten bereit erklären. Wegen ihrer Höhe beantragte er, man möge doch wenigstens in den Nebenstraßen die bisherige Regelung weiterhin gestatten, da diese nur selten von Fremden besucht würden und somit die behauptete Verunstaltung nicht zutreffe. Doch der Magistrat lehnte diese Bitte ab, worauf die Rabbiner erklärten, dass sie nun keinen Ausweg mehr sähen, und die Kammer des Inneren der königlichen Regierung des Rezatkreises befahl, die Drähte nun abzunehmen und es den Israeliten zu überlassen, wodurch sie diese ersetzen wollten. Dieses Dekret wurde Baruch Berolzheimer als Vorstand des Stiftungsvereins und Rabbiner Falkenau als derzeitigem 1. Rabbiner am 25. Juni 1823 eröffnet.

Baruch, Sohn des Naphtali Berolzheimer, geb. 1772 (vermutlich in Berolzheim) lebte schon 1803 in Fürth. Er war von 1822 bis 1826 Gemeindevorstand, außerdem Kaufmann, Ellenwaren- und Manufakturwarengroßhändler. Da sein einziges Kind Moses aus der Ehe mit der 20 Jahre älteren Edel Adelheid, geb. Jaffe (Witwe des Daniel Gedalja Offenbacher) 1801 geboren und gestorben war, vermachte er vor seinem Tod am 22.2.1832 sein Geschäft in der damaligen Sternbäckergasse den Söhnen seines Bruders Emanuel.

In dieser schier ausweglosen Situation beschloss die jüdische Gemeinde, die erforderlichen Mittel für die zusätzlichen Laternen durch freiwillige Spenden aufzubringen und bat deshalb um Aufschub der Abnahme. Doch der Magistrat blieb auch diesmal hart und kündigte an, dass die Drähte am nächsten Morgen von Amts wegen auf Kosten der Juden abgenommen würden, sofern sie dies nicht selbst noch am gleichen Tag besorgten. Und tatsächlich wurden am 3. Juli 1823 die Schabbatdrähte von Schlossermeister Rost abgenommen, der dafür einen Gulden und 54 Kreuzer berechnete.

Durch dieses Vorgehen waren die thoratreuen Gemeindemitglieder in arge Bedrängnis geraten. Wir können uns kaum vorstellen, wie schwer es für sie war, nach 100 Jahren mit einem Eruv, sich auf einmal völlig umstellen zu müssen. Baruch Berolzheimer erschien deshalb schon nach wenigen Tagen bei Bürgermeister Baeumen mit abgeänderten Listen, nach welchen 16 bestehende Laternen verwendet und nur fünf neue angeschafft werden sollten. Auf eine weitere könne verzichtet werden, wenn die Häuser 510 und 511 durch einen Balken oder Bogen verbunden würden. Herr Berolzheimer erklärte ausdrücklich, dass die Kosten durch Spenden der Gemeindemitglieder gedeckt würden. Obwohl die Straßenbeleuchtungskommission diese neue Version befürwortete und die städtischen Bauräte einen Bogen akzeptierten, lehnte der Magistrat auch diesen Antrag ab. Am 7. August 1823 wollte der Stadtmagistrat die fünf neuen Laternen unter folgenden Bedingungen genehmigen:

1. dass die Laternen auf Kosten privater Spenden der Juden, nicht aus Vereinsvermögen angeschafft werden,
2. dass der erforderliche Betrag binnen 14 Tagen bei der Straßenbeleuchtungskommission einbezahlt wird,
3. dass diese fünf Laternen sodann in das Eigentum der Stadt übergehen, so dass die Judenschaft kein Verfügungsrecht mehr über sie habe, auch sollte der jüdischen Gemeinde jegliches Widerspruchsrecht gegen irgendwelche Veränderungen verwehrt sein,
4. dass vier der fünf neuen Laternen auf Kosten der Judenschaft beleuchtet werden, wofür jährlich 114 Gulden 21 Kreuzer im Voraus bezahlt werden sollten. Die fünfte Laterne „in der Mitte der Wasser-Paßage zwischen dem Garten des Drechslers Riesch und jenem des Postverwalters Engelhard"[18] sollte nur bei außerordentlichen Veranstaltungen auf öffentliche Kosten beleuchtet werden.

Schließlich verlangte der Magistrat, dass drei als hinlänglich zahlungsfähig anerkannte Israeliten gemeinsam für die Bezahlung der vorgenannten Kosten bürgen und aus dieser Verpflichtung erst entlassen werden sollten, nachdem sie drei verlässliche Nachfolger benannt hätten. Abschließend wurde „der Judenschaft zu ihrer Beruhigung die Zusicherung ertheilt, daß bei etwa nötig werdenden Veränderungen mit möglichster Schonung und Rücksicht für ihre Religionsbegriffe verfahren werden wird."

Nach dem vorhergegangenen rücksichtslosen Abnehmen der Drähte und dem Inhalt dieses Knebelvertrages konnte diese Zusicherung wohl nur wenig zur Beruhigung beitragen, denn die Vereinsvorstände S. Seligmann Stuttgarter, Baruch Berolzheimer und Abraham Bendit stimmten weitgehend zu, baten jedoch, dass die Laternen Eigentum der Judenschaft bleiben und für die Kosten nicht Privatpersonen, sondern die Gemeindekasse haften solle.

Samuel Seligmann, Sohn des Isaak Stuttgarter, geboren 1771 (wohl in Stuttgart) lebte schon 1809 in Fürth. Er war 1822-1824 Gemeindevorstand, von Beruf war er Juwelier. Er starb am 3.5.1828 an Lungenlähmung, im Memorbuch der Altschul wird an ihn erinnert. Mit seiner Frau Jette, die eine Schwester von Rabbiner Falkenau war, hatte er 2 Kinder.
Abraham, Sohn des Seligmann Bendit, geb. am 31.3.1771 in Fürth, war Kaufmann, Spiegelhändler und, zusammen mit seinem jüngeren Bruder Meier Bendit, Eigentümer der 1789 gegründeten Spiegelfabrik Seligmann Bendit&Söhne und auch des Hauses am Kohlenmarkt, damalige Nr. 510. Seine Ehe mit Vögele Fanny, einer Schwester von Rabbiner Halberstädter blieb kinderlos, er starb am 17.3.1835 an Abzehrung.[7]

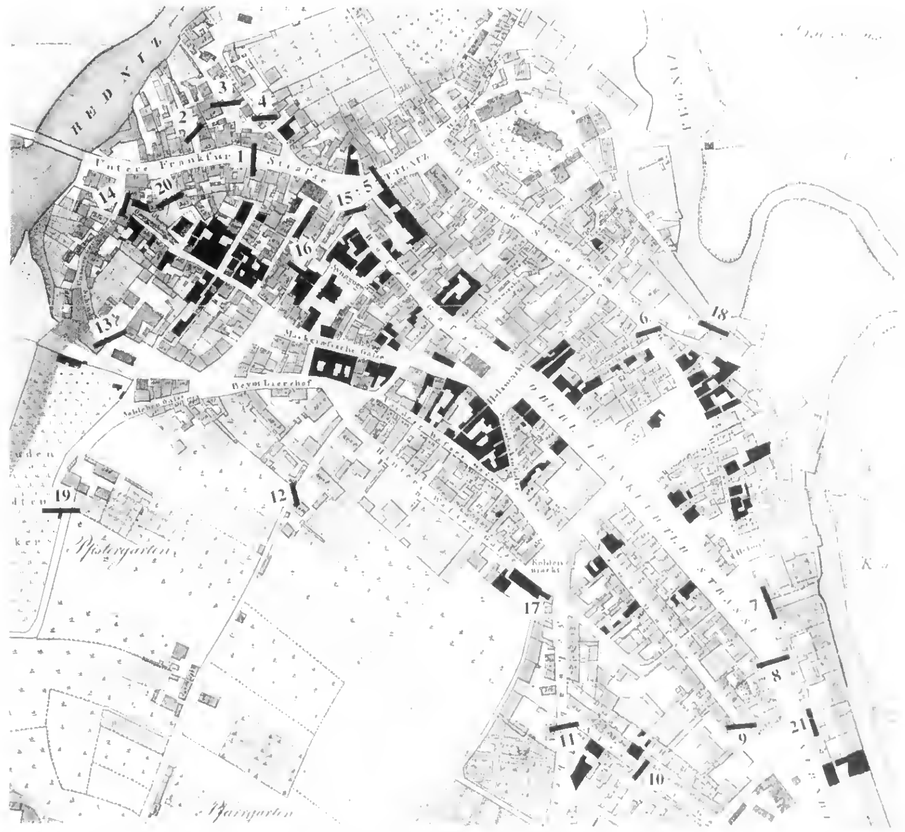
Der Magistrat lehnte auch dieses Gesuch ab und erinnert so an Pharao, der immer wieder aufs Neue sein Herz verhärtete. Der Vereinsvorstand legte darauf Beschwerde bei der Kammer des Innern ein, die im Januar 1824 verfügte, dass die Laternen Eigentum der Judenschaft bleiben. Nun leisteten am 5. März 1824 die Vorstände Hermann Königswarter, Seligmann Stuttgarter, Abraham Bendit, Salomon Wedeles und Baruch Berolzheimer gemeinsam Bürgschaft für die Unterhaltskosten der neuen Laternen, worauf der Stadtmagistrat umgehend die Straßenbeleuchtungskommission beauftragte, die Laternen nun anzuschaffen und aufzuhängen.

Hirsch Hermann, Sohn des Jonas Königswarter wurde am 10.2.1767 in Fürth geboren. Er war Gemeindevorstand von 1820 bis 1824, Ellenwarenhändler, Wechsler und schließlich Bankier. Nachdem er drei Ehefrauen überlebt hatte, starb er kinderlos am 24.12.1847. Dr. Wilhelm Königswarter war sein Neffe.
Salomon Wedeles, Sohn des Isaak Prager, geb. am 30.12.1774 in Fürth, wurde im März 1824 in den Vorstand der Israelitischen Gemeinde gewählt, von Beruf war er Holz- und Lederhändler. Der Ehe mit Genendel Nannette, geb. Wilhermsdorfer entstammten 11 Kinder. Salomon Wedeles starb am 22.8.1851 an Altersschwäche.[7]

Als Eruv genützte vorhandene Laternen: (Vgl. Abb. 6)

1.	vom Hause No. 7	bis zum Hause No. 51
2.	vom Hause No. 39	bis zum Stadel des Herrn Hauk
3.	vom Hause No. 46	bis zum gegenüberliegenden Stadel
4.	vom Hause No. 61	bis zum Hinterhause No. 51
5.	vom Hause No. 69	bis zum Hause No. 228
6.	vom Hause No. 141	bis zum Hause No. 199
7.	vom Hause No. 266B*	bis zur Mauer des vormaligen Zapfschen jetzt Gebhardschen Gartens [11]
8.	vom Hause No. 266C**	bis zum Hause No. 275
9.	vom Hause No. 421	bis zum Hause No. 422
10.	vom Hause No. 520	bis zum Hause No. 532
11.	an der mit No. 56 bezeichneten Laterne in der Schwabacher Straße	
12.	vom Hause No. 495	bis zum Hause No. 499A
13.	vom Hause No. 480	bis zum neuen Gebäude des Herrn Burger
14.	vom Hause No. 348	bis zum Hause No. 359
15.	vom Hause No. 299***	bis zum Hause No. 307
16.	vom Hause No. 312	bis zum Hause No. 386

* muss heißen 266a ** muss heißen 266b *** muss heißen 229


REDNITZ
Fürther Frankfurter Straße
Marktplatz
Obstmarkt
Pfisterstraße
Pfisterstraße
Pfisterstraße

Für den Eruv neu angeschaffte Laternen:

17. zwischen dem Hause des Kaufmanns Abraham Bendit und jenem des Beutlers Großkopf im Schwarzengäßchen[15]
18. Von der Hinterseite des Langenhauses No. 141 gegen den Strobelischen Stadel16
19. Vom hinteren Ausgang des Pfisterischen Wirthsgartens[17] bis zur gegenüberstehenden Hekdisch-Mauer
20. Zwischen den Häusern No. 344 gegen No. 347
21. Bei der Wasserpassage zwischen dem Postverwalter Engelhardischen Hause und dem Garten des H. Riesch[13]

Ein Vergleich der beiden Karten zeigt, dass der neue Eruv Veränderungen gegenüber dem bisherigen aufwies. Zwischen der unteren Frankfurter Straße und der Schrotgasse wurden einige Häuser neu einbezogen. Dass nun die nördliche Seite der Bauerngasse mit der Oberen Fischergasse herausgelassen wurde, hat sicher seinen Grund darin, dass es seit 1816 keinen jüdischen Hausbesitzer in diesem Bereich mehr gab.[18] Der neue Eruv wurde über den Helmplatz hinaus entlang der Nürnberger Landstraße bis zum Karlsberg erweitert. In diesem Bereich hatten inzwischen mehrere Häuser jüdische Bewohner. Die Position der als Nr. 8 und Nr. 16 genutzten Laternen verwundert allerdings.

Noch bevor die jüdische Gemeinde zur Bezahlung von 208fl 2Kr. für die fünf neuen Laternen aufgefordert worden war, wurden am 19. März 1824 die Scheiben der Laternen zwischen den Häusern des Kaufmanns Abraham Bendit und des Beutlers Großkopf[15] zertrümmert und auf das Kästchen geschrieben, dass diese Laterne noch hundertmal eingeworfen wird. Nicht nur der Magistrat unter Bürgermeister Baeumen war demnach weniger tolerant, als wir bisher glaubten, sondern auch in der Bevölkerung gab es schon damals Aggressionen gegen Juden. Immerhin erhielten der Laternenanzünder und die Polizei-Wache den Auftrag, wachsam zu sein.

Die Straßenbeleuchtung als Ersatz der Schabbatdrähte muss dann über 20 Jahre lang problemlos funktioniert haben. 1844 bezahlte die jüdische Gemeinde 99,53fl für den laufenden Unterhalt der besonders angeschafften Laternen.[19] Im Jahre 1845 teilte Vereinsvorstand Hajum Hirsch Ullstein dem Stadtmagistrat mit, dass der Eingang des Trappgäßchens[15] nun wieder mit einem Schabbatdraht versehen wurde, nachdem die dort befindliche Laterne zwischen das Meier Bendit'sche Haus und das Gasthaus zum Kronprinzen[20] umgehängt wurde. Deshalb wolle die jüdische Gemeinde auch nicht länger für den Unterhalt jener Laterne aufkommen. Der Magistrat veranlasste, dass der vorherige Zustand wieder hergestellt wurde.

Hajum Hirsch Ullstein, Sohn des Papierhändlers Moses Ullmann, geb. am 8.3.1792 in Fürth, war seit 1828 Mitglied des Gemeindevorstandes und gehörte zu den liberal Gesonnenen. Er war Kaufmann und Papiergroßhändler. Seine Frau Hanna war eine Halbschwester von Joseph Berlin, eines seiner 9 Kinder war Leopold, der spätere Verleger in Berlin. H.H. Ullstein starb am 17.3.1875 an Bronchitis.[7]

Im November 1847 war geplant, die zwei von den Juden angeschafften Laternen bei der Wasserpassage am Gebhardt'schen Haus und an der Schlehengasse zu entfernen, die anstelle der früheren Drähte Ausgangstore bezeichneten. Rabbiner Dr. Loewi erklärte sich einverstanden, wenn statt der Laternen ein Eisendraht angebracht würde und er

Geschichtsverein Fürth e.V.
Schlosshof 12

90768 Fürth

Einzugsermächtigung

Hiermit ermächtige ich Sie zum Einzug des jeweiligen Jahresbeitrages von meinem

Girokonto Nr.: _____

Bank: _____

Bankleitzahl: _____

Beitrag: DM _____ (Mindestbeitrag DM 30,–)

_____

Name, Vorname, genaue Anschrift

_____ _____

Ort, Datum Unterschrift

Intentional Second Exposure

Für den Eruv neu angeschaffte Laternen:
17. zwischen dem Hause des Kaufmanns Abraham Bendit und jenem des Beutlers Großkopf im Schwarzengäßchen[15]
18. Von der Hinterseite des Langenhauses No. 141 gegen den Strobelischen Stadel16
19. Vom hinteren Ausgang des Pfisterischen Wirthsgartens[17] bis zur gegenüberstehenden Hekdisch-Mauer
20. Zwischen den Häusern No. 344 gegen No. 347
21. Bei der Wasserpassage zwischen dem Postverwalter Engelhardischen Hause und dem Garten des H. Riesch[13]

Ein Vergleich der beiden Karten zeigt, dass der neue Eruv Veränderungen gegenüber dem bisherigen aufwies. Zwischen der unteren Frankfurter Straße und der Schrotgasse wurden einige Häuser neu einbezogen. Dass nun die nördliche Seite der Bauerngasse mit der Oberen Fischergasse herausgelassen wurde, hat sicher seinen Grund darin, dass es seit 1816 keinen jüdischen Hausbesitzer in diesem Bereich mehr gab.[18] Der neue Eruv wurde über den Helmplatz hinaus entlang der Nürnberger Landstraße bis zum Karlsberg erweitert. In diesem Bereich hatten inzwischen mehrere Häuser jüdische Bewohner. Die Position der als Nr. 8 und Nr. 16 genutzten Laternen verwundert allerdings.

Noch bevor die jüdische Gemeinde zur Bezahlung von 208fl 2Kr. für die fünf neuen Laternen aufgefordert worden war, wurden am 19. März 1824 die Scheiben der Laternen zwischen den Häusern des Kaufmanns Abraham Bendit und des Beutlers Großkopf[15] zertrümmert und auf das Kästchen geschrieben, dass diese Laterne noch hundertmal eingeworfen wird. Nicht nur der Magistrat unter Bürgermeister Baeumen war demnach weniger tolerant, als wir bisher glaubten, sondern auch in der Bevölkerung gab es schon damals Aggressionen gegen Juden. Immerhin erhielten der Laternenanzünder und die Polizei-Wache den Auftrag, wachsam zu sein.

Die Straßenbeleuchtung als Ersatz der Schabbatdrähte muss dann über 20 Jahre lang problemlos funktioniert haben. 1844 bezahlte die jüdische Gemeinde 99,53fl für den laufenden Unterhalt der besonders angeschafften Laternen.[19] Im Jahre 1845 teilte Vereinsvorstand Hajum Hirsch Ullstein dem Stadtmagistrat mit, dass der Eingang des Trappgäßchens[15] nun wieder mit einem Schabbatdraht versehen wurde, nachdem die dort befindliche Laterne zwischen das Meier Bendit'sche Haus und das Gasthaus zum Kronprinzen[20] umgehängt wurde. Deshalb wolle die jüdische Gemeinde auch nicht länger für den Unterhalt jener Laterne aufkommen. Der Magistrat veranlasste, dass der vorherige Zustand wieder hergestellt wurde.

Hajum Hirsch Ullstein, Sohn des Papierhändlers Moses Ullmann, geb. am 8.3.1792 in Fürth, war seit 1828 Mitglied des Gemeindevorstandes und gehörte zu den liberal Gesonnenen. Er war Kaufmann und Papiergroßhändler. Seine Frau Hanna war eine Halbschwester von Joseph Berlin, eines seiner 9 Kinder war Leopold, der spätere Verleger in Berlin. H.H. Ullstein starb am 17.3.1875 an Bronchitis.

Im November 1847 war geplant, die zwei von den Juden angeschafften Laternen bei der Wasserpassage am Gebhardt'schen Haus und an der Schlehengasse zu entfernen, die anstelle der früheren Drähte Ausgangstore bezeichneten. Rabbiner Dr. Loewi erklärte sich einverstanden, wenn statt der Laternen ein Eisendraht angebracht würde und er

Geschichtsverein Fürth e.V.
Schlosshof 12

90768 Fürth

Einzugsermächtigung

Hiermit ermächtige ich Sie zum Einzug des jeweiligen Jahresbeitrages von meinem

Girokonto Nr.: _____

Bank: _____

Bankleitzahl: _____

Beitrag: DM _____ (Mindestbeitrag DM 30,–)

_____
Name, Vorname, genaue Anschrift

_____ _____
Ort, Datum Unterschrift

Fürther Heimatblätter

Anzeigenverwaltung und -annahme

Anzeigen-Expedition H. Friedlhuber

Alfons-Stauder-Straße 12a · 90453 Nürnberg
Telefon (09 11) 6 32 42 38
Fax (09 11) 6 32 59 04

Geschichtsverein Fürth e.V.

Fürth, April 2000
Schlosshof 12
90768 Fürth

Telefon: (09 11) 97 53 43

Stadtsparkasse Fürth
(BLZ 762 500 00) Konto-Nr. 24 042

Termine!
(Abtrennen und aufbewahren)

MITTEILUNGEN

1. Beitrag 2000

Der Vorstand erinnert alle Mitglieder, die ihrer Beitragspflicht bis zum Ende dieses Quartals nicht nachgekommen sind (wie es die Vereinssatzung vorsieht), daran, den Beitrag baldmöglichst auf das Konto des Vereins bei der Sparkasse Fürth 24 042 (BLZ 762 500 00) zu überweisen oder in der Geschäftsstelle bar zu bezahlen.

Wenn Sie sich diese Mühe sparen wollen, können Sie die erste farbige Seite als Einzugsermächtigung benutzen. Der Beitrag beträgt für Mitglieder mindestens DM 30,– (nach oben offen!), für Familien DM 45,–.

2. Schatzmeister

Unser bisheriger Schatzmeister, Karl-Heinz Neuhaus, hat aus gesundheitlichen Gründen sein Amt niederlegen müssen. Kommissarisch wird ihn bis zur nächsten Neuwahl im Jahr 2001 Herr Jürgen Fischer, Sparkasse Königswarterstr. 82 vertreten.

Der Verein dankt Herrn Neuhaus für alle Arbeit, die er sich mit den Finanzen des Vereins seit der Übernahme dieses Amtes gemacht hat und wünscht Herrn Fischer ein ebenso erfolgreiches Wirken für den Geschichtsverein.

3. Veranstaltungen

Am 4.5.2000 hält der neue Ordinarius für Fränkische Landesgeschichte, Prof. Dr. Wolfgang Wüst, einen Vortrag zu dem Thema

Die Post vor der Post.
Reichsstädtische Kommunikationsformen im Spätmittelalter.

Der Vortrag findet im Kasino der Sparkasse, Maxstraße 32 um 19.30 Uhr statt.

Eintritt für Mitglieder frei, Nichtmitglieder DM 5,–.

Am 20.5.2000 ist ein Besuch der Cadolzburg geplant unter der sachkundigen Führung unseres Beiratsmitglieds, des Heimatpflegers des Landkreises Fürth, Herrn Helmut Mahr.

Treffpunkt ist der Vorhof der Cadolzburg, 14.30 Uhr.

Um einen Überblick über die Größe der Gruppe zu bekommen, werden Interessenten gebeten, sich in der Geschäftsstelle anzumelden und dabei anzugeben, ob sie an einem Bustransport interessiert sind. Bei einer genügenden Teilnehmerzahl wird der Verein dann einen Nahverkehrsbus organisieren.

Busstart: Fürth Hauptbahnhof, 14.00 Uhr.

Am 3.6.2000 besichtigen wir in der Reihe „Fürth vor Ort" den Bunker unter der Stadthalle und den Hochbunker in der Ronwaldsiedlung oder einen anderen Hochbunker des Stadtgebiets.

Treffpunkt: Stadthalle, 14.00 Uhr.

Auch hier ist der Verein bereit, falls genügend Interesse besteht, einen Bustransport zu organisieren; deshalb wird um Anmeldung in der Geschäftsstelle gebeten.

Die Kosten für beide Busexkursionen dürften sich auf jeweils ca. 10,– DM (Mitglieder) und 15,– DM (Nichtmitglieder) belaufen.

Für den Vorstand

Dr. Helmut Richter
1. Vorsitzender

ΤΑ ΑΝΘΗ ΕΦΑΝΘΗΣΑΝ ΕΝ ΤΗ ΧΩΡΑ
= TA ANTHÄ EFANTHÄSAN EN TÄ CHORA
= DIE BLUMEN WURDEN IM LANDE GEZEIGT

Welche alte Fürtherin/welcher alte Fürther weiß etwas über die Herkunft der Sandstein-Relief-Tafel mit dem Schalmeienbläser an der Mauer beim Eingang in den Stadtpark in der Engelhardtstraße? Sie hat in der oberen rechten Ecke diese von Historikern und Denkmalschützern nie beachtete altgriechische Inschrift. Für Hinweise gibt es das nachstehend annoncierte Romanbuch!

Zuschriften erbeten an das Stadtarchiv oder an Werner Engel, Rollnerstraße 5, 90408 Nürnberg

Seit März 1998 in zweiter Auflage;

Dr. Ivan Tavčar, DIE CHRONIK VON VISOKO

Ein Roman von 1919, deutsche Übersetzung von Werner Engel (Schliemann-Abiturient von 1939)
Ein Muß für Freunde europäischer Literatur und Slowenien-Fans
Erschienen im Verlag Königshausen und Neumann, ISBN 3-8260-1156-2
199 Seiten und reich bebilderter Anhang. DM 29,80 in Ihrer Buchhandlung.

Von demselben Übersetzer liegt in unserem Stadtarchiv zur Benützung auf: (Signatur Hs, 269.4°)

G.N. Psychountakis, „DER MELDER VON KRETA"
- Kriegstagebuch eines kretischen Partisanen 1941 - 1944, 373/276 Seiten Maschinenmanuskript

und zwar für Sprachbeflissene auch das im kretischen Dialekt
des Neugriechischen verfasste Original.

Sehr empfehlenswert für Kreta - Reisende!

NICHT AUSLEIHBAR - STRENGSTES VERVIELFÄLTIGUNGSVERBOT
AUCH FÜR TEILE

Verbindungen perfekt
direkt **STADTHALLE FÜRTH**
Businessexpress

Tagungen · Märkte · Musterschauen
Messen · Kongresse · Film- und Diavorträge
Präsentationen · Seminare · Prüfungen

STADTHALLE

Rosenstr. 50 · 90762 Fürth · Tel. 09 11/7 49 12-0 · Fax -39
eMail: stadthalle@fuerth.de · Internet: http://www.stadthalle.fuerth.de

Liebe Mitglieder,
bitte berücksichtigen Sie bei Ihren Einkäufen
unsere Inserenten!

SCHREIBEN-ZEICHNEN BÜRO – ORGANISATION

SCHÖLL

Gegründet 1847

durchgehend geöffnet
(Rathaus) Obstmarkt 1 · 90762 FÜRTH · ☎ (09 11) 77 19 48

Immobilien - Löffler GmbH

70 Jahre

Vermietungen – Hausverwaltungen
An- und Verkauf von Haus- und Grundbesitz

FÜRTH i. Bay., Heiligenstraße 31, Telefon 77 22 00

G. KRÖNER e.K.

Entwurf · Satz · Offsetdruck · Stanzarbeiten

Kapellenstr. 9 · 90762 Fürth
Telefon (09 11) 75 99 57-0
Fax (09 11) 75 99 57-29
ISDN Mac (09 11) 75 99 57-19
ISDN PC (09 11) 75 99 57-17
E-Mail Kroener1@aol.com

- Beratung
- Entwurf/Satz
- Belichtungen
- Datenübernahme PC/Mac
- Druck
- Prägedruck
- Stanzarbeiten
- Zusammentragarbeiten
- Privat- und Geschäftsdrucksachen
- Präsentationsmappen
- Werbeprospekte
- Kuverts und Versandtaschen
- Plakate
- Haftetiketten/Aufkleber
- Urkunden
- Flyer

usw. usw. ...

die schriftliche Zusicherung erhielte, dass in Zukunft nicht wieder auf Kosten der Juden neue Laternen angeschafft werden müssten.

Dr. Isaak, Sohn des Meier Loewi, geb. am 31.3.1803 in Adelsdorf, lernte an der Fürther Jeschiva, promovierte in München zum Dr.phil., wurde 1830 in Fürth immatrikuliert und war ab 1831 der erste liberale Oberrabbiner in Fürth. Seine Frau Rosalie war eine Schwester von Joseph Kohn, dem 1850 als erstem Juden wieder Niederlassungsrecht in Nürnberg gewährt wurde, und von Anton Kohn, dem Begründer des gleichnamigen Bankhauses in Nürnberg. Dr. Loewi hatte 8 Kinder, die entweder jung starben oder von Fürth wegzogen. Er selbst starb am 26.12.1873 an Marasmus senilis.[7]

Letztmalig wurde der Eruv im Jahr 1849 aktenkundig. Zwischen dem Magistrat und der Jüdischen Gemeinde entbrannte ein Streit um die Unterhaltskosten. 1823 war zwar festgelegt worden, dass die fünfte Laterne zwischen dem Gebhardt'schen Garten und dem Haus des Postverwalters Engelhard nur bei besonderen Anlässen auf Kosten der Stadt beleuchtet werden solle, trotzdem musste die Judenschaft 25 Jahre lang den Betrieb aller fünf Laternen bezahlen. H. Hermann Lewin rechnete nun vor, dass dadurch 900-1000 Gulden eigentlich an die Kasse der Kultusgemeinde zurückerstattet werden müssten. Er wies auch darauf hin, dass viele jüdische Einwohner ständig private Beiträge zur Straßenbeleuchtung leisteten und forderte Befreiung von den laufenden Unterhaltskosten.

Der Magistrat war aber nur bereit, die Kosten für fünf Laternen auf 90 Gulden jährlich zu halbieren und drohte mit Umhängen der Laternen, falls die Judenschaft dem nicht zustimme. Für den israelitischen Vereinsvorstand bot Joseph Berlin am 19. November 1849 an, in Zukunft 70 Gulden jährlich zu bezahlen.

Hirsch Hermann Lewin, Sohn des Bärmann Hamburger, geb. am 5.6.1794 in Fürth, wurde im Juli 1849 in den Gemeindevorstand gewählt, er war Spiegelfabrikant. Seine Frau Hendel Henriette und Hermann Königswarters Frau waren Schwestern. Hermann Lewin starb am 10.5.1860 an Lungenentzündung.[7]

Joseph, Sohn des Wolf Berlin, geb. am 28.8.1797 in Fürth, war im November 1849 neu in den Gemeindevorstand gewählt, er war Kaufmann, Manufakturwarenhändler und Inhaber der Spiegelglasfabrik J.W. Berlin in der damaligen Weinstraße 21. Seine Frau Jeannette, geb. Kohn, war eine Schwester von Rosalie Loewi, der Ehefrau des Oberrabbiners Dr. Loewi. Josef Berlin hatte acht Kinder, er starb am 19.7. 1850 an Lungenlähmung, seine Witwe ertrank 1873 in der Pegnitz.[7]

Die 1822 installierten Öllaternen dienten 36 Jahre lang als Straßenbeleuchtung. Der Eruv wurde vermutlich der fortschreitenden Stadterweiterung angepasst. Auf dem Wilder'schen Stich von 1848 (s. Abb. 7, S. 16) ist die Befestigung einer Laterne durch Pfosten und Stab an einem Gebäude des Ludwigsbahnhofs zu sehen.

Am Kirchweihsamstag 1858 brannten zum ersten Mal die 198 neuen Gaslaternen in den Fürther Straßen.[6,8] Es gab Wand- und Hängelampen in verschiedenen Größen und Formen.[21] Die ausgedienten Öllaternen mit Zubehör wurden im Dezember 1858 meistbie-

Intentional Second Exposure

Immobilien - Löffler GmbH

70 Jahre

Vermietungen – Hausverwaltungen
An- und Verkauf von Haus- und Grundbesitz

FÜRTH i. Bay., Heiligenstraße 31, Telefon 77 22 00

Druckerei G. KRÖNER e.K.

Entwurf · Satz · Offsetdruck · Stanzarbeiten

Kapellenstr. 9 · 90762 Fürth
Telefon (09 11) 75 99 57-0
Fax (09 11) 75 99 57-29
ISDN Mac (09 11) 75 99 57-19
ISDN PC (09 11) 75 99 57-17
E-Mail Kroener1@aol.com

- Beratung
- Entwurf/Satz
- Belichtungen
- Datenübernahme PC/Mac
- Druck
- Prägedruck
- Stanzarbeiten
- Zusammentragarbeiten
- Privat- und Geschäftsdrucksachen
- Präsentationsmappen
- Werbeprospekte
- Kuverts und Versandtaschen
- Plakate
- Haftetiketten/Aufkleber
- Urkunden
- Flyer

usw. usw. ...

die schriftliche Zusicherung erhielte, dass in Zukunft nicht wieder auf Kosten der Juden neue Laternen angeschafft werden müssten.

Dr. Isaak, Sohn des Meier Loewi, geb. am 31.3.1803 in Adelsdorf, lernte an der Fürther Jeschiva, promovierte in München zum Dr.phil., wurde 1830 in Fürth immatrikuliert und war ab 1831 der erste liberale Oberrabbiner in Fürth. Seine Frau Rosalie war eine Schwester von Joseph Kohn, dem 1850 als erstem Juden wieder Niederlassungsrecht in Nürnberg gewährt wurde, und von Anton Kohn, dem Begründer des gleichnamigen Bankhauses in Nürnberg. Dr. Loewi hatte 8 Kinder, die entweder jung starben oder von Fürth wegzogen. Er selbst starb am 26.12.1873 an Marasmus senilis.[7]

Letztmalig wurde der Eruv im Jahr 1849 aktenkundig. Zwischen dem Magistrat und der Jüdischen Gemeinde entbrannte ein Streit um die Unterhaltskosten. 1823 war zwar festgelegt worden, dass die fünfte Laterne zwischen dem Gebhardt'schen Garten und dem Haus des Postverwalters Engelhard nur bei besonderen Anlässen auf Kosten der Stadt beleuchtet werden solle, trotzdem musste die Judenschaft 25 Jahre lang den Betrieb aller fünf Laternen bezahlen. H. Hermann Lewin rechnete nun vor, dass dadurch 900-1000 Gulden eigentlich an die Kasse der Kultusgemeinde zurückerstattet werden müssten. Er wies auch darauf hin, dass viele jüdische Einwohner ständig private Beiträge zur Straßenbeleuchtung leisteten und forderte Befreiung von den laufenden Unterhaltskosten.

Der Magistrat war aber nur bereit, die Kosten für fünf Laternen auf 90 Gulden jährlich zu halbieren und drohte mit Umhängen der Laternen, falls die Judenschaft dem nicht zustimme. Für den israelitischen Vereinsvorstand bot Joseph Berlin am 19. November 1849 an, in Zukunft 70 Gulden jährlich zu bezahlen.

Hirsch Hermann Lewin, Sohn des Bärmann Hamburger, geb. am 5.6.1794 in Fürth, wurde im Juli 1849 in den Gemeindevorstand gewählt, er war Spiegelfabrikant. Seine Frau Hendel Henriette und Hermann Königswarters Frau waren Schwestern. Hermann Lewin starb am 10.5.1860 an Lungenentzündung.[7]

Joseph, Sohn des Wolf Berlin, geb. am 28.8.1797 in Fürth, war im November 1849 neu in den Gemeindevorstand gewählt, er war Kaufmann, Manufakturwarenhändler und Inhaber der Spiegelglasfabrik J.W. Berlin in der damaligen Weinstraße 21. Seine Frau Jeannette, geb. Kohn, war eine Schwester von Rosalie Loewi, der Ehefrau des Oberrabbiners Dr. Loewi. Josef Berlin hatte acht Kinder, er starb am 19.7. 1850 an Lungenlähmung, seine Witwe ertrank 1873 in der Pegnitz.[7]

Die 1822 installierten Öllaternen dienten 36 Jahre lang als Straßenbeleuchtung. Der Eruv wurde vermutlich der fortschreitenden Stadterweiterung angepasst. Auf dem Wilder'schen Stich von 1848 (s. Abb. 7, S. 16) ist die Befestigung einer Laterne durch Pfosten und Stab an einem Gebäude des Ludwigsbahnhofs zu sehen.

Am Kirchweihsamstag 1858 brannten zum ersten Mal die 198 neuen Gaslaternen in den Fürther Straßen.[6,8] Es gab Wand- und Hängelampen in verschiedenen Größen und Formen.[21] Die ausgedienten Öllaternen mit Zubehör wurden im Dezember 1858 meistbie-

Abb. 7: Ausschnitt aus: „Der Eisenbahnhof in Fürth und Umgebung" 1848 von Georg Christoph Wilder.

tend versteigert.[37] Die ersten elektrischen Bogenlampen wurden 1908 eingerichtet.[38] Auch sie wurden vermutlich als Eruv genutzt, denn die jüdische Gemeinde akzeptierte beide Wechsel ohne Klage. 1867 gestattete sie sogar, einen Holzkandelaber an der Innenseite ihrer Friedhofsmauer anzubringen.[39]

Im Jahr 1938 wurden die Eruv-Drähte einige Male durchschnitten. Die Genehmigung zur Wiedereinrichtung wurde danach nicht mehr erteilt.[23]

Auch ehemalige Fürther, die ihre Jugend noch hier verbrachten, berichteten, dass sie bis zu ihrer Flucht am Schabbat hier tragen konnten. Werner Gundelfinger erinnert sich, dass der Eruv über die Königswarterstr. 84, wo die Villa der frommen Familie Zimmer anstelle des heutigen Sparkassengebäudes stand,[24] und über die Zähstraße hinausreichte, wo in Nr. 3 die thoratreue Familie König wohnte. Das bestätigte auch Berthold König, der jetzt in Kanada lebt. Elieser Höchster, seit kurzem Ehrenbürger von Jerusalem, erzählte, dass es Anfang des 20. Jahrhunderts in den meisten anderen Städten mit jüdischen Einwohnern keinen Eruv gab, wie z.B. in München, Nürnberg oder Gunzenhausen. In Würzburg sei nur ein kleines Viertel umfangen gewesen. So wie die Herren Gundelfinger und Höchster versichert auch Bella Rosenkranz, dass der Fürther Eruv von der Altstadt bis etwa zur Stadtgrenze reichte. Er war für die jüdischen Fürther so selbstverständlich, dass sie sich nach ihrer Emigration erst daran gewöhnen mussten, am Schabbat nicht zu tragen.

Fazit:
Erstens: Die jüdische Gemeinde Fürth hatte bereits im frühen 18. Jahrhundert mit Duldung des Magistrates und nichtjüdischer Hausbesitzer ihren Eruv errichtet, ohne dass sie dafür bezahlen musste. Zweitens: Die Fürther Stadtverwaltung unter Bürgermeister Baeumen war weitaus weniger tolerant als bisher gedacht. Drittens: Der Eruv bestand in veränderter Form bis 1938.

Quellen und Anmerkungen

1 Kizzur Schulchan Aruch, Kap. 94, 95, 102. Viktor Goldschmidt-Verlag, Basel 1988
Jüdisches Lexikon, ein enzyklopädisches Handbuch des jüdischen Wissens in 4 Bänden, Jüd. Verlag 1982
2 Rachel Salamander (Hg.): Die Jüdische Welt von gestern, 1860-1938
3 Nachum T. Gidal: Die Juden in Deutschland von der Römerzeit bis zur Weimarer Republik
4 Rabbi Eli Pick: Guide to Shabbath Observance, 1998
5 StA.Fü. Fach 19/21 „Die Abschaffung der von den Juden über die Straßen gezogenen Sabath-Drähte und Ersatz derselben durch die Drähte der Straßenbeleuchtung"
6 Adolf Schwammberger: Fürth von A-Z
7 Gisela Blume: Dokumentation des Alten Jüdischen Friedhofs Fürth (in Arbeit)
8 Dr. Fronmüller sen.: Chronik der Stadt Fürth
9 StA.Fü. Fach 60/18, 60/19. 14 Fuß entsprechen ca. 4.30m
10 entspricht ca. 1m Höhe und ca. 2,5cm Durchmesser
11 Stadtplan „Fürth im Jahre 1822"
Taschen- und Adreß-Handbuch von 1819 Johann Gottfried Eger
12 Nikolaus Baus, Federkielfabrikant, Eigentümer Haus 489 Im Bausengarten (1819)
13 kgl. Postverwalter Johann Philipp Engelhard, Eigentümer Hs. 545 (heute Königstr. 115 am Karlsberg), Drechslermeister Johann Rudolph Riesch, 1819 Eigentümer von Hs. 268a (heute Königstr. 111 und 113)
14 Johann Adam Gebhard, Kaufmann, Eigentümer Hs. 266b (1819), heute Königstr. 107/109
15 damals Häuser 510 und 511, heute am Beginn der Hirschenstraße beim Kohlenmarkt
16 Die Straßenbeleuchtungskommission bemerkte, dass durch diese Laterne der Platz hinter dem Langen Haus und das Bader-Abrahams-Gäßchen Licht erhalten. Abraham Heerdegen, Chirurg und Bader war 1723-1765 Eigentümer von Hs. 142 (Wunschel-Buch)
17 Ulrich Pfister, Goldarbeiter, Billiardeur und Gartenwirt, 1807 und 1819 Eigentümer von Hs. 486
18 Lazarus Schächter (12.10.1739-12.2.1820) hieß nach 1813 Blaodt, er war mit Jakob Muhr 1802-1816 Eigentümer Hs. 135 in der Oberen Fischergasse (Wunschel-Buch)
19 StA.Fü. Fach 135b II 9, Nr.5
20 damals Hs. 434, heute Kohlenmarkt zwischen Bäumen- und Schirmstraße
21 StA.Fü. Fach 60/22
22 StA.Fü. Fach 60/18
23 Herbert Schultheis: Die Reichskristallnacht in Deutschland nach Augenzeugenberichten. In: Bad Neustädter Beiträge zur Geschichte und Heimatkunde Frankens. Band III. 1985. Freundlicher Hinweis von Johann Fleischmann.
24 Einmündung der Königswarterstraße in die Jakobinenstraße

ELISABETH MEMMERT

Lebensläufe bei St. Michael

Sonntag den 11. Oktober 1711

Johann Christian Henning

Geboren am 28. April 1711 als Sohn des Herrn Markus Henning, Brandenburgisch-Onolzbachischer Rat, und dessen Ehefrau Maria, Tochter des Herrn Johann van Lierd. Paten waren Herr Johann Christian Geyer zu Wunsiedel und Jungfrau Magdalena Soury.
Seit Dienstag wurde das Kind mit Erbrechen und großer Hitze überfallen und starb nach einer Lebenszeit von nur 23 Wochen, 3 Tagen.

Montag den 12. Oktober 1711 S. 1102

Anna Barbara Kühnlein

„Als rechtmäßige ordentliche Geburt, die nur eine halbe Viertelstunde lebte, von der Hebamme Jachtaufft worden". Patin hatte sein sollen die Jungfrau Anna Barbara, eheliche Tochter des Herrn Apothekers und Bürgermeisters zu Gunzenhausen. Die Eltern waren Georg Christoph Kühnlein und dessen Ehefrau (Name nicht genannt). (Weitere 4-5 Zeilen sind vollkommen unleserlich, Beziehung auf pag. 326 und 327, offenbar wegen der Copulation.)
Randnote: Copul. Fact. d. 16. Februar 1711

Sonntag den 19. Oktober 1711

Johann Ulrich Münch

Geboren am 7. Oktober 1711, getauft am 9. Oktober, sein Vater der Bierbrauer Paul Sigmund Münch, Mutter dessen Frau Kunigunde. Pate war der Erbare und wohlvorgeachtete Herr Johann Ulrich ... (Familienname unleserlich, siehe Taufmatrikel), hochfürstlicher Braumeister zu Zirndorf.
Das gesund geborene Kind wurde vom Kinderwesen überfallen und starb nach nur 8 Tagen Lebenszeit.

Mittwoch den 23. Oktober 1711

Carl Gottlieb Balzer

Geboren am 1. Juli 1708 hier als Sohn des Meisters Johann Christof Balzer und dessen Ehefrau Kunigunde. Pate war der Wohledle mannfeste Herr Carl Gottlieb Meyersbach, ehelicher Sohn des Melchior Meyersbach von Tennenlohe, der sich damals als Volontär im Rheinischen befunden hatte und dessen Stelle ein abgeordneter Zinßner des Herrn Gevatter vertrat: Meister Andreas Leidner, Schneider daselbst.
Das stets frische und gesunde Kind wurde vor einem Vierteljahr von der Schwindsucht befallen und starb am vergangenen Mittwoch zwischen 6 und 7 Uhr morgens im Alter von 3 Jahren, 3 Monaten, 3 Wochen und 1 Tag.

Freitag den 28. Oktober 1711 S. 1103

Georg Christoph Steuerer

Geboren am 9. September 1710 als Sohn des Maurergesellen und Tabakarbeiters Johann Steurer und dessen Frau Catharina. Tags darauf getauft, Pate war der Schreiner Georg Christoph Karg.
Vor 14 Tagen erkrankte das Kind, teils am Zahnen, teils am Kinderwesen und starb Sonntag Abend im Alter von 1 Jahr weniger 2 Wochen, 2 Tage.

Sonntag den 30. Oktober 1711

Ein Hurenkind wurde bei nächtlicherweile begraben. Seine Mutter war Catharina Finkin, aus Lendersheim (sic) gebürtig, welches am Mittwoch den 15. Oktober von Herrn Dekan (sic) zu Langenzenn getauft worden war.

Montag den 2. November 1711 S. 1104

Johann Ulrich von Stadeln

Geboren am 11. August 1711 als Sohn des Tabakrollers Johann Ulrich von Stadeln und dessen Ehefrau Ursula. Pate war Hannß Schramm, Tabakarbeiter.
Am Samstag vor 8 Tagen erkrankte das Kind mit Aufstoßen, so daß man befürchtete, es würde ersticken. Dazu kam noch das Kinderwesen und beendete das Leben des Kindes nach 2 Monaten, 2 Wochen weniger 3 Tage.

Montag den 2. November 1711 Stadeln

Ein totgeborenes Hurenkind wurde bei nächtlicherweile beerdigt. Mutter war Catharina Langin, hinterlassene Tochter des Hannß Lang zu Colberg im Anspachischen. Vater soll gewesen sein Caspar Hinterholzer, ein Stückknecht des Herren von Nürnberg.

Mittwoch den 4. November 1711

Hannß Brottengeyer

Geboren am 11. November 1662 zu Poppenreuth als Sohn des Conrad Brottengeyer, dompröpstlicher Köbler und Bierschenk und dessen Frau Margareta. Pate war der dortige Bauer Hannß Heyd.
Die Eltern schickten ihn fleißig zur Schule, wo er lesen, beten und die Grundlagen der christlichen Lehre erlernte. Er blieb stets bei seinen Eltern und half ihnen sowohl in der Bierschenke als auch bei der Haus- und Feldarbeit.
In seinem 22. Jahr verehelichte er sich zum 1. Mal und zwar mit Jungfrau Barbara (Familienname nicht genannt). Er wurde mit ihr in Poppenreuth getraut. Aus dieser Ehe entsprossen 2 Söhne und eine Tochter: Leonhard, ein noch lediger Schneidergeselle; die beiden anderen Kinder starben früh.
Als seine 1. Frau gestorben war, hat er nach ausgestandener Trauerzeit sich zum zweitenmal verheiratet mit Eva, ehelicher hinterlassener Tochter des Bauern (Name unleserlich) zu Anwandten (sic.) Auch diesmal war die Trauung in Poppenreuth. Bis zu ihrem Tod lebten sie 5 Jahre friedlich miteinander, jedoch ohne Kindersegen.
Zum 3. mal heiratete er am 6. Mai 1700 in Fürth. Es war die damals ledige eheliche Tochter des Erbaren Albrecht Dorigel (sic.) Köbler zu Kronach, Christina, mit der er

eine elfeinhalbjährige, friedliche, mit 4 Kindern gesegnete Ehe führte. Mit der Mutter trauern Johann und Dorothea um den Vater, die beiden anderen Kinder sind ihm vorausgegangen.
In den 2 Jahren, die er sich in Fürth aufgehalten hatte, verhielt er sich still und zurückgezogen. „Weil er ehemals durch allzu großen Umgang mit den Juden um das Seine gekommen war, hat sich seines Gütleins verziehen und Anderen käuflich überlassen müssen" und schlug sich zuletzt kümmerlich mit Taglöhnarbeit durch. Mit seiner Ehefrau kam er fleißig zum Gottesdienst und den Saeramenten. Als er von der Sehwindsucht erfaßt wurde, welche immer überhand nahm, sehnte er sich nach den Saeramenten und empfing nach abgelegtem Sündenbekenntnis am letzten Sonntag andächtig das heilige Abendmahl.
Er starb friedlieh nach einem mühseligen Leben im Alter von 59 Jahren.

Freitag den 6. November 1711 S. 1106

Barbara Fenzlin

Geboren am 17. September 1711 hier als Tochter des Nicolaus Fenzel, die Mutter heißt Anna Elisabeth. Patin war Frau Barbara des Meisters Josef Spies zu Hersbruck.
Das stets kränkliehe Kind wurde vom großen Husten abgemattet; dazu kam noch ein Schlagfluß und zehrte seine Lebenskraft auf. Es starb am Dienstag um 4 Uhr gegen den Tag, nur 2 Monate weniger 7 Tage alt.

Montag den 9. November 1711

Johann Conrad Lang, Beckenknecht

Geboren am 18. Dezember 1684 zu Stemsgrün (sie) als Sohn des dortigen Bauern Matthes Lang und dessen Frau Catharina. Pate war Johann Conrad, ältester Sohn des Barthel Bochner aus Bräunersgrün.
Soweit man Nachricht erhalten konnte, hat er sich in der Schule fleißig aufgeführt und sich jederzeit eines ernstlichen Christentums beflissen. Zu Wunsiedel soll er das Beckenhandwerk erlernt haben. Als er in die hiesige Gegend kam, arbeitete er als Knecht in der Leiehendorfer Mühle, dann diente er ¼ Jahr bei einem Bäcker und erhielt sehließlich eine Stelle, auf der er 4 Jahre blieb und sich das Lob eines fleißigen, treuen und ehrlichen Arbeiters verdiente. Er ist dann bei Meister Johann Leonhard Pözinger in Dienst getreten und blieb da volle 8 Jahre. In seinen Krankheitsnöten hat er sieh an seine Meisterin Frau Margareta, nun vereheliehte Bischoff, gewandt. Er wurde vor 6 Wochen zu ihr gebracht. In seinem elenden Zustand mit Wassersucht, Dörr- und Schwindsucht suehte er Trost im heiligen Abendmahl, das er empfangen konnte. Dabei betete er um einen gnädigen Tod. Dieser wurde ihm zuteil am Samstag gegen den Tag in seinem 27. Jahr weniger 2 Wochen.

Dienstag den 10. November 1711 S. 1108

Anna Catharina Targlerin

Geboren am 3. Oktober 1711 als Tochter des Meisters Georg Targler, Huf- und Waffenschmied und dessen Frau Anna Maria. Patin war die wohlehr- und tugendreiehe Frau Anna Catharina, des wohledlen Herrn Jaeob Cornelius von de Venne Witwe.

Vor 14 Tagen erkrankte das Kind an Kinderwesen. Obwohl sein Zustand sich zu bessern schien, nahmen die Kräfte immer mehr ab. Der Anfall wiederholte sich am Sonntag nachts. Noch in der gleiehen Nacht verstarb das Mädchen nach nur 17 Tagen Lebenszeit.

Donnerstag den 12. November 1711

Heinrich Michael Gronlein

Geboren am 8. September 1711 als Sohn des Meisters Michael Gronlein, Büttner hier, und seiner Ehefrau Marie. Pate war Meister Heinrich Walther, Beindreehsler.
Das bis dahin gesunde Kind wurde vor 8 Tagen von einem Strauchenflüßlein[637] überfallen, wozu noch ein Steekflüßlein kam. Am Dienstag früh 3 Uhr starb das Kind nach 2 Monaten, 1 Woehe weniger 1 Tag.

Freitag den 13. November 1711 S. 1109

Johann Frisch, gewesener Mühlarzt[638]

Geboren am 10. August 1655 zu Brüseck im Bayreuthisehen. Sein Vater war Christof Friseh, Schwarzfärber, die Mutter hieß Margareta. Pate war Johann Groß, gewesener Keller (Kellner).
Seine Ahnfrau nahm ihn schon als einjähriges Kind in ihre Obhut und erzog ihn bis zu seinem 16. Jahr und ließ ihn im Christentum unterriehten. Danach kam er als Mühljunge in die Lehre nach Bayreuth und lernte sein Handwerk aus. Noch 3 Jahre blieb er darauf bei seinem Meister, „worauf er sieh in die Fremde verfügte". In versehiedenen Städten arbeitete er als Mühlarzt.
2 Jahre nachdem er hierher kam, ließ er sich am 2. April 1689 hier trauen mit der gegenwärtigen Witwe Agnes, damals ledigen Standes, hinterlassene eheliche Toehter des erbaren und vorgeaehteten Jörg Böleth, Bürger und Branntweinbrenner zu Regensburg. 22 ½ Jahre hatten sie eine friedliche und kindergesegnete Ehe. Von ihren 10 Kindern leben noch 4 Söhne und eine Tochter. In seiner Müllersarbeit war er sehr berühmt, da er in allen Mühlen in- und außerhalb der Stadt die Steine gehauen hat.
Sein Christentum ließ er sich angelegen sein, ging stets zur Kirche und zum heiligen Abendmahl. Sehon seit langer Zeit war er kränklieh, besonders seit 2 Jahren. Die leidige Schwindsucht warf ihn 12 Woehen auf das Krankenlager. Er nahm das Leid geduldig an und wartete auf die Erlösung dureh den Tod. Vergangenen Mittwoeh früh um 5 Uhr starb er im Alter von 56 Jahren, 3 Monaten, 1 Tag.

Donnerstag den 19. November 1711 S. 1110

Christof Jacob Catino

Geboren am Mittwoch den 1. Januar 1710 als Sohn des erbaren und kunstreichen Herrn Catino, Hofuhrmachr zu Onolzbach und Einwohner hier in Fürth, und dessen Ehefrau, der Erbaren, viel ehr- und tugendreichen Frau Magdalena Sabina geborene Borneschenkin. Pate war der Erbare Christof Sommerauer, Schönfärber hier.
Bis vor ½ Jahr war das Kind frisch und gesund, dann wurde es von allerhand Krankheiten befallen: Erst hatte es „Durchbrueh", dann bekam es eine Geschwulst, an der es 2 ½ Monate zu leiden hatte, bis es am Montag abend unter dem Gebet seiner Lieben verschied, 2 Jahre weniger 2 Monate alt.

Montag den 29. November 1711

Conrad Stolberg

Geboren am 3. November 1711 als Sohn des Michael Stolberg, Musicus und Weinschenk hier, und dessen Ehefrau Helena, die jetzt selbst krank ist. Pate war Conrad **Christof,** Wirt und Gastgeber zu Poppenreuth. Das Kind erkrankte am Kinderwesen und beendete sein kurzes Leben am Samstag früh.

Dienstag den 24. November 1711 S. 1111

Meister Otto Sörgel, gewesener Maurer

Geboren am 2. November 1654 in Gostenhof als Sohn des dortigen Mauermeister Hannß Sörgel und dessen Ehefrau Maria. Pate war Otto Fleischmann (sic.).
In der Schule lernte er nicht nur den Catechismus, sondern auch schreiben und rechnen, und, da er auch mäßig war, stand er seinen Eltern in ihrer Arbeit fleißig bei. Das Maurerhandwerk lernte er bei seinem Vater, blieb nach der Freisprechung noch 2 Jahre und ging dann in die Fremde. Er arbeitete an verschiedenen Orten in seinem Beruf und kam dann in Kriegsdienste. Dort verblieb er mehrere Jahre und erhielt bei seinem Abschied ein gebührendes Zeugnis.
Darauf hat er sich verehelicht mit Jungfrau Dorothea Barbara, ehelicher hinterlassener Tochter des Gregorius Eugmann, Bürger und Kürschner zu Altdorf. 1685 wurde er dort mit ihr copuliert und erzeugte mit ihr 2 Söhne: Georg Heinrich starb mit 2 Jahren und 3 Tagen, der andere Sohn, Peter Sörgel, ist Maurer und Tabakspinner hier.
Anno 1694 im Monat April verstarb seine Ehefrau und versetzte ihn in den betrübten Witwerstand. Anno 1695 verheiratete er sich mit gegenwärtiger Witwe Margareta, des verstorbenen Georg Schmerler, gewesenen Köblers zu Hirsch... hinterlassene Witwe, mit der er zu Neuhof im markgräflich Onolzbachischen christgeziemend copuliert wurde. Er hatte mit ihr 16 Jahre lang eine friedliche Ehe, der ein noch lebender Sohn Daniel entsproß.
Sein Christentum war rühmenswert, solange er sich in Fürth aufgehalten hat. Seit 3 Jahren war er immer schweiferlich, ging aber stets seinem Beruf nach. Am vergangenen Samstag, als er gesund nach Hause gekommen und zu Bett gegangen war, überfiel ihn „ein tödlicher Zufall", so daß ihm die Rede und alle Funktionen gehemmt waren. Er starb am Sonntag nach der Frühkirche im Alter von 37 Jahren.

Donnerstag den 26. November 1711 S. 1113

Margarete Meyrin

Geboren am 18. März 1695 als Tochter des Zimmermeisters Johann Meyer und dessen Frau Anna, die schon vor 12 Jahren gestorben ist. Patin war die Ehefrau Margareta des Maurers Johann Heinrich Wichmann (sic).
In der Schule, die sie fleißig besuchte, lernte sie beten, lesen und schreiben. Sie ist stets bei ihrem Vater geblieben und benahm sich der Stiefmutter gegenüber als ein gehorsames Kind. Sie war eines stillen Gemüts, aber schon seit 4 Jahren kränklich („schweiferlich") und wurde vor ¼ Jahr sogar bettlägerig. Die Schwindsucht packte sie unvermutet und so sehr, daß sie am vergangenen Dienstag verschied, 17 Jahre weniger 4 Monate 6 Tage alt.

Freitag den 4. Dezember 1711 S. 1114

Barbara Büttnerin

Geboren am 23. November 1711 als Tochter des Meisters Georg Büttner, Schneider hier, und dessen Ehefrau Ottilia Sabina. Patin war die Ehefrau Barbara des Bierbrauers und Gerichtsschöffen Nicolaus Rupprecht.
Bei dem Kind zeigten sich bald schon Anzeichen des Kinderwesens[n.M.]. Seit Sonntag Abend wollte es nicht mehr bei der Mutter trinken. Das Kinderwesen nahm zu und mattete das Kind so ab, daß es Dienstag nachts verstarb, nachdem es sein Leben nur auf 7 Tage und einige Stunden gebracht hatte.

Montag den 7. Dezember 1711

Johann Christian Gebhard

Geboren am 6. April 1691 als Sohn des Meisters Daniel Gebhard in ... (unleserlich) und dessen Ehefrau Anna Rosina. Er hatte drei Paten: den Amtmann zu Sonneberg, den Forstmeister zu Salzburg und die Ehefrau eines Herrn ...
In der Schule, zu der er von seinen Eltern fleißig angehalten wurde, lernte er lesen und schreiben und kam Anno 1706 in die Metzgerlehre bei Meister Christof Volkmann. Nach 3jähriger Lehre wurde er dem Handwerksgebrauch entsprechend freigesprochen und verhielt sich sowohl während als nach der Lehre sehr zufriedenstellend. Er kam nach Nürnberg zu Meister Lobenstein und diente da treu und fleißig ein Jahr lang, bis er sehr krank wurde. Er bekam große Schmerzen in den Beinen, später auch in den Händen und war zuletzt „ganz ausgedörrt". 20 Wochen lag er in Nürnberg bei seinem (Brot) Herrn krank und wurde dann zu seinem Bruder nach Fürth gebracht, wo er im Elend fast ein halbes Jahr durchlitt. Vor 14 Tagen wurde er mit dem heiligen Abendmahl versehen.
Am Donnerstag früh zwischen 4 und 5 Uhr nahm ihn Gott von seinen Schmerzen im Alter von 21 Jahren weniger 4 Monate 3 Tage.

Freitag den 11. Dezember 1711 S. 1115

Catharina Margareta Längin

Geboren am 30. Juli 1657 zu Halmesreuth, nach Neunkirchen gepfarrt (in der Oberpfalz) als Tochter des Hannß Friedrich Rudolff und dessen Frau Catharina. Patin war Margareta, Frau des Peter Wiedmann zu Neunkirchen.
In der Schule lernte sie beten und lesen. Da ihre Eltern schon bald starben, wurde sie in früher Jugend bereits in die Fremde geschickt und kam in die Nürnberger Gegend und diente an die 20 Jahre in Nürnberg, Fürth und anderswo.
Anno 1692 hat sie sich verehelicht mit Johann Lang, damals Bestandwirt zum blauen Hecht hier, einem Witwer, und wurde mit ihm hier am 13. Januar copuliert. Von ihren 4 Kindern aus dieser Ehe leben noch zwei: der Sohn Johannes, der das Büttnerhandwerk erlernt hat und die Tochter Sabina, welche in Diensten in Poppenreuth ist. 11 Jahre lebten sie in dieser Ehe, bis sie in den betrübten Witwenstand versetzt wurde. Ungefähr 10 Jahre hielt sie sich in Unterfarrnbach auf und empfing das heilige Abendmahl zum letztenmal in Farrnbach.
Ihr Christentum nahm sie ernst, war erst seit 3 Wochen in Fürth. Am Mittwoch vor 8 Tagen begann das Seitenstechen und mattete sie ab, bis sie am Mittwoch morgens zwischen 8 und 9 Uhr verschied.
Ihr Alter: 54 Jahr und 5 Monate.

Montag den 14. Dezember 1711 S. 1116

Ambrosius Beck

Geboren am 3. August 1711 als Sohn des Meisters Ludwig Beck, Einwohner und Bäcker hier, und dessen Ehefrau Kunigunda. Pate war Ambrosius Höfler, Schönfärber hier.
Vor 2 Wochen zeigte sich das Kinderwesen, schien besser zu werden, verschlimmerte sich wieder und nahm das Kind hinweg nach nur 4 Monaten, 2 Wochen, 6 Tagen.

Dienstag den 15. Dezember 1711

Johann Conrad Eberhard

Geboren am 27. November 1711 als Sohn des Johann Adam Eberhard, Posamentierer und Seidenmacher hier, und dessen Frau Eva. Pate war der Erbare und gelehrte Herr Johann Conrad Oberländer, Bürger und „teutsche Schul- und Rechenmeister".
Am Samstag wurde das Kind vom Kinderwesen befallen und starb noch in der gleichen Nacht im Alter von 2 Wochen, 4 Tagen und etlichen Stunden.

Anmerkungen:

635 Tagler = Taglöhner (Verdenhalven)
636 Zainer: Hammerschmied, Stabeisenschmied, auch Korbflechter a. a. O.
637 Strauch: Influence, Rheumatismus
Fluß, Abfall
Steckfluß: Asthma, Brustwassersucht a. a. O.
638 Mühlarzt: Mühlenbauer a. a. O.
639 Kinderwesen: Gehirnkrämpfe aufgrund von Verdauungsstörungen, da man bei Durchfällen Kindern nichts zu trinken gab
(Auskunft durch Arzt für Innere Medicin)

Berichtigung:

Dem aufmerksamen Leser Uwe H. ist in den „Fürther Heimatblättern" 49. Jg. 1999/ Nr. 2 auf Seite 64 ein Fehler aufgefallen.
In der Leichenpredigt für Barbara Holzmännin muss in der sechsten Zeile der Name ihres Vaters richtig heißen „Johann Reche" und nicht „Weise".

*Johann Rech „genannt Wägnerlein" (sein Vater war Wirt und Wagner), war Wirt-, Wein- und Getränkehändler in Eltersdorf, * 24.12. 1600, † 25.12. 1672, jeweils in Eltersdorf. Er heiratete am 23.2. 1630 in Eltersdorf Kunigunda Höffler, Tochter des Baders Friedrich Höffler aus Eltersdorf.*

BUCHBESPRECHUNGEN

Horst Schäfer, Fürther Freiheit. Ein fotografischer Spaziergang. Vorwort von Helmut Haberkamm, Nachwort von Barbara Ohm. ars vivendi verlag 1999. 119 S., DM 68,–

Wer selbst zwei Bücher über Nürnbergs wundersame Komplementär-Stadt Fürth geschrieben hat und nachwievor fasziniert ist vom dortigen KleeblattDschungel, der ist wohl von vornherein neugierig auf Sichtweisen von anderen: Was bringt ein augenwacher Fotograf von seinen KameraBeutegängen aus Fürth mit? Wie macht er Lust auf seinen Gegenstand? Erschließt er Besonderes?
Der 1932 geborene Fotograf Horst Schäfer, der zwischen 1961 und 1980 in Amerika gelebt und in seinem Metier gearbeitet hat, ist ein ganz außergewöhnlicher SichtbarMacher von Architektur – mit dem Mittel der Farbnuancen zwischen Schwarz und Weiß. Er hat für suggestive Architektur einen tollen Blick – weil er eben nicht auf einen Gegenstand „draufhält", sondern ihn in seiner lebendigen Plastizität anschaut und dann sozusagen mikroskopische MakrokosmosBilder macht.
Sein großformatiges Buch „Fürther Freiheit" erschien in einer Bildbandreihe des Cadolzburger „ars vivendi"-Verlages, wo inzwischen betörende BilderBücher über „Lissabon" und den „Tango" herauskamen.
Helmut Haberkamm hat in seinem präziskurzen Vorwort die Fotokunst Horst Schäfers als eine „Verwandlung" bezeichnet – das trifft zu: Horst Schäfers Fürther „Freiheit" beginnt schon damit, dass er frei von jedwedem DokumentarZwang zu Werke geht. Wir kennen ja aus unzähligen 'Bildbänden' diese kaum erträgliche AbbildlesKnipserei – wo jeder Halbblinde auf Anhieb erkennt, wo was ist.
Horst Schäfers „fotografischer Spaziergang" erfasst zwei Bereiche: „Steine" – also alles, was im weitesten Sinne mit Bauen und Architektur zu tun hat, und „Menschen" – also das 'Personal' zu den Steinen.
Horst Schäfer vermittelt uns wieder einmal jene Lust aufs SpazierenSchauen: an HäuserFronten entlang. Un da holt er Prachtstücke aus dem reichen Fürther Fundus. Sofort spürt man: gute Architektur ist ein plastisches Gebilde, es hat etwas mit Körper- und Oberflächenspannung zu tun. Angesichts manchen Bildes kann man richtig Lust auf einen Balkon bekommen – aber eben auf einen individuell gestalteten. Und dann ist eben bei guter Architektur immer auch Atmosphäre – bei einem FürthBalkon dachte ich sofort an die lebenssprühende Atmosphäre auf Toledos berühmten Platz, dem „Zocodover".
Und wie uns dieser KameraSpazierer auch kalte Strukturen noch als AugenReiz darstellt... Dann die Spiegelungen oder die LichtSpiele an Fassaden... (Kleine Anmerkung: im Inhaltsverzeichnis muss man solche Treffer aber nicht entwerten, indem man sie als „phantasievolle Fensterraster" deklariert – das eben sieht man selbst).
Wunderbar, wie bei diesem FürthAugenGang die intime Wildnis dieser Stadt aufscheint; das Wilde – bis hin zum Verwilderten. Man spürt da auch bald die Doppelsinnigkeit des Titels: Zur „Fürther Freiheit" gehört eben auch, dass da FreiRäume freigelassen werden... Und dann diese Schieferhäute... Auch das Anbrüchige, das Heruntergekommene – und gerade eben 'da-zwischen' gedeiht dies seltene Gewächs „Fürther Freiheit": Es ist der Mut zum MixGemisch.
Horst Schäfers grandioses Buch ist auch ein AugenSchärfBuch – man schaut nach dem Betrachten auf vieles viel genauer: etwa auf echte und auf ungute oder missglückte Rhythmen im Kosmos einer Stadt, zu der auch bizarre Details gehören.
Und auch dies spricht für dieses Buch: die Aufeinanderfolge der Bilder im Kapitel „Steine" – was für ein hinreißendes Nebeneinander auf S. 50/51: linkerhand die Rund-Buckel der verehrungswürdigen Steine des alten israelitischen Friedhofes – rechterhand die rhythmischen FassadenGliederungen, die geradezu 'protestantisch' gegen die öden Leerflächen anderswo demonstrieren.

Zu dieser „Fürther Freiheit" kommt dann hinzu, dass man einfach gesteht: Ja, da sind viele Gebäude nicht nur geglückt, sondern dank der EnsembleBildung sind sie auch eine Möglichkeit von „schön".
Und gerade angesichts dieses Reichtums halte ich es nicht für förderlich, wenn im Nachwort noch immer und schon wieder mit den uralten VorurteilsFremdbildern kokettiert wird; es ist eben nicht wahr, dass Fürth auf immer und ewig „grau" sei. Dieses Hausierengehen mit alten Fremdbildern ist ein Zementieren – genauso einfältig, wie wenn jemand 'die Deutschen' noch immer bloß als „die krauts" bezeichnete. Fürth kann auf sich stolz genug sein – es braucht als Beweis, dass es nun nicht mehr 'grau' ist, nicht den Rückgriff auf frühere Klischees. Die 'KlischeeHausierer' reißen längst zugeschüttete Gräben wieder auf – und selbst wenn man damit bloß 'spielt': die NachbarschaftsRivalität zwischen Fürth und Nürnberg ist längst eine Karte, die allenfalls noch an benebelten Stammtischen sticht.
Im zweiten Bildteil wendet sich dann Horst Schäfer den „Menschen" zu. Das ist gut – zumal es nicht wenige Bildbände gibt, in denen die Sehenswürdigkeiten wie Filmkulissen wirken: unbewohnt. Horst Schäfer zeigt uns nun eine ausgewählte Wahllosigkeit: Da ist viel Bewegung, ohne Zweifel; da ist viel natürlicher Charme; da ist Straßenlebendigkeit und PromierLust; da ist viel Jugend. Wir begegnen einer stolzen Afrikanerin; wir halten inne angesichts einer verschleierten Muslimin auf einer Rolltreppe (S. 90) – und das sind die Bilder, die mehr als nur dokumentarischen Wert haben: Es sind Fotografien voll zärtlicher Menschenachtung. Faszinierend auch jener DachLukenAusblick (S. 99) – eine Hommage an eine betagte, vergnügt in die Welt schauende Frau. Auf andere Weise gefiel mir ein Bild, das jenes Kato-Denkmal für die jüdische Seite Fürths in lebendigem Bezug darstellt. Interessant auch, wenn Menschen fast scherenschnittschwarz und nur noch konturenscharf (S. 117) zu erkennen sind.
Das alles ist geglückt, anregend, neugierig machend – und, das sollte ja auch einem Buch gelingen, weiterfragend. Ich bin sehr angetan von diesem Buch, und nachdem ich es mehrmals betrachtet hatte, sagte ich mir: Jaja, das alles gehört zur „Fürther Freiheit" – aber, das alles, auf 119 Seiten versammelt, ist nicht annähernd Fürth...
Was also fehlte mir?
Meine Frage ist eine Anfrage, und überhaupt kein Besserwissen. Meine Frage kommt aus Zuneigung zu dieser Stadt – von deren Vielfalt hier ganz viel fehlt. Wir bekommen fast nur AußenArchitektur zu sehen – von zwei AtelierInterieurs abgesehen. Ich hätte gerne Bilder gesehen vom Innenleben dieser Stadt: wie sieht's denn bei euch in der Küche und in der guten Stube aus?
Und dann das KneipenFürth, das bezaubernde WirtshausFürth – keine Spur; auch von den Cafés nichts. Und: wo arbeiten denn die Leute in Fürth? Gewiss, da gibts eindringliche SchaufensterBilder und auch Fenster, die HinausSchaufenster sind – aber, wo gehen die Fürther ihren Geschäften nach?
Gut, bei manchem Bild mag man meinen, man wäre schon in Nürnbergs „Gostambul"; und es ist ja – rein statistisch – ganz richtig, dass Menschen türkischer Herkunft sehr zahlreich in Fürth sind: aber die anderen, wo haben die sich in Fürths „Polyglottistan" versteckt?
Und weiter: Gehört zur „Fürther Freiheit" nicht auch eine gelebte GlaubensVielfalt? Da reichen eben Besucher auf dem jüdischen Friedhof nicht. Keine Kirche, kein Kultraum – und auch sie gehören zur Fürther Freiheit...

Und bei den MenschenBildern – jaja, ich kann das schon nachvollziehen: es soll der „einfache Mensch" ins Bild kommen. Ja, gut– aber es gibt eben in dieser Stadt auch Köpfe, CharakterKöpfe, die einen Namen haben, über Fürth hinaus. Und von denen vermisse ich ebenfalls eine Auswahl in dieser „Fürther Freiheit". (Den Einwand, man kann ein 400-Seiten-Buch über Fürth in Fürth nicht verkaufen, lasse ich unbeantwortet). Ja, auch die Präsenz der Industrie fehlt in diesem Buch. Und man könnte auch vermissen: wie sich diese Stadt nun gewisse Erbschaften (US-Kasernen) neu aneignet.
Bitte, diese FehlListe ist keine MängelListe oder gar eine Mängelrüge – das Buch ist so wunderbar reich, dass man es sich sozusagen selber ergänzen möchte... Ich dachte bei mir: Jaja, in dieser Stadt gibt es offenbar nur Gesunde... Hat Fürth den keine Polizei, die genauso selbstverständlich zum Stadtbild gehört? Ach, und die Künstler dieser Stadt... Und das Fluss- und WeiherWasser? Kurzum: Fürths Rahm ist noch lange nicht abgeschöpft...
Horst Schäfers „Fürther Freiheit" gehörte gleichwohl als Hausbuch in jedes Fürther Haus.
Und da Helmut Haberkamm ein treffliches Vorwort schrieb und seine Bücher ja auch bei „ars vivendi" erscheinen, nutze ich diese Gelegenheit wie eine Weiche – und wende mich noch dem zeitgleich erschienenen Buch von Helmut Haberkamm zu, das mit Fotografien des jungen Andreas Riedel bereichert worden ist. GODEHARD SCHRAMM

Helmut Haberkamm/Andreas Riedel, Lichd ab vom Schuß. 49 Mundartgedichte und Fotografien. ars vivendi verlag 1999. 112 S., DM 29,80

Unter dem etwas rätselaufgebenden Titel „Lichd ab vom Schuß" – also etwas „liegt weit ab vom Schuß..." – hat das Autorenpaar gesammelt, was in Franken nach und nach auszusterben droht. Es ist kein 'NostalgieBuch', sondern ein 'BewahrBuch'. Es ist ein Buch, in dessen Lebendigkeit (samt aller Armseligkeit) sich die kalte, die hartherzige, nur noch erfolgssüchtige und eventgeile Welt unserer Tage spiegelt.
Helmut Haberkamm, von dem inzwischen drei schöne poetische Bücher vorliegen, hat hier echte Erzählgedichte geschrieben. Gedichte, in denen er sozusagen als Anwalt für die spricht, die sich nie in einem Gedicht ausdrücken würden. Haberkamm lässt Menschen und ihr Schicksal vor unserem LeseAuge erstehen.
Wie da einmal – neben der HinterkopfFotografie einer betagten Frau – im lapidaren Text ein Hymnus auf einen Menschen entsteht, der zu seinem ganzen Leben steht: das ist ein hinreißendes Gedicht, das prädestiniert ist zum Auswendiglernen; ja, das ist „Haltung"... Wie behutsam da der Autor diese alte Frau 'zitiert': „A alda Fraa/a alder Mensch... saehds" – und jeder ihrer Sätze wird nicht als Zitat gegen sie verwendet, sondern huldigt eben dieser Einfachheit. Hinreißend dann das Ganze zum Schlussbild: „iech kann geh/wemmi unner Herrgodd holln dudd... saehds/iech kann sterm... un na lachds." Dieser Schluss: ohne die Fallgrube der Pointe, wo ansonsten 'Mundart' oft ins blöde Gelächter plumpst...
Kurzum: Diese Haberkamm-Texte haben was... Etwa „Derhamm sterm" oder die Atmosphäre von „all Sunndooch frieh"... Und dazu die stillen Leben, die FotoStillLeben von Andreas Riedel: Da ergänzt eines das andere, und in jedem Text, in jedem Bild ist etwas von „Achtung" – und jener herzzusammenziehende Schuss Wehmut, der nicht nach hinten, ins Sentimentale losgeht. GODEHARD SCHRAMM

B 5129 F
Postvertriebsstück
Gebühr bezahlt

Geschichtsverein Fürth e.V.
Schlosshof 12
90768 Fürth

Termine

Donnerstag, 4. Mai 2000, 19.30 Uhr

Prof. Dr. Wolfgang Wüst, Lichtbildervortrag: **„Die Post vor der Post. Reichsstädtische Kommunikationsformen im Spätmittelalter."**

Samstag, 20. Mai 2000, 14.30 Uhr

Helmut Mahr, Halbtagsexkursion: **„Besichtigung der Cadolzburg."**

Samstag, 3. Juni 2000, 14.00 Uhr

Fürth vor Ort: „Besichtigung des Zivilschutzbunkers unter der Stadthalle und eines Hochbunkers."

Näheres siehe Mitteilungen im Inneren des Heftes.

Verlag: Geschichtsverein Fürth e.V., Schlosshof 12, 90768 Fürth. – Schriftleitung: Rolf Kimberger, Schmerlerstraße 13, 90768 Fürth; – Verantwortlich für den Inhalt sind die Verfasser. Alle Rechte, auch die des Abdrucks im Auszug vorbehalten. – Mitarbeiter dieses Heftes: Gisela Blume, Grenzstraße 30, 90513 Zirndorf; Elisabeth Memmert, Mitterfeldweg 9, 83224 Grassau; Dr. Godehard Schramm, Schweppermannstraße 41, 90408 Nürnberg; – Druck: G. Kröner eK, Fürth. – Erscheinungsweise des Heftes einmal vierteljährlich, der Bezugspreis ist im Mitgliedsbeitrag enthalten. Einzelhefte sind in der Geschäftsstelle erhältlich.

Stadt
Fürth

Mrs.
Ph. D. Ruth Budd
24 Percy Rd.

Lexington, MA 02421
USA

Fürth, im Dezember 2003

Sehr geehrte Frau Budd,

wir freuen uns, Sie über eine große Ausstellung im Jüdischen Museum Franken in Fürth informieren zu können:

Die neue Leiterin des Museums, Frau Daniela Eisenstein, hat mit ihrem Team eine sehr interessante Ausstellung zum Leben der Familie Krautheimer in Fürth konzipiert.

Noch bis zum 31. März 2004 sind zahlreiche Exponate aus dem Nachlass Richard Krautheimers, Originalinventar aus der von Martha Krautheimer gestifteten Säuglingskrippe und unbekannte Fotos aus dem Familienbesitz zu sehen.

Die aktuellen Presseberichte über die Ausstellung legen wir diesem Schreiben zu Ihrer freundlichen Kenntnis bei; weitere Informationen erhalten Sie auch im Internet unter www.juedisches-museum.org

Eine schöne Zeit und alles Gute wünscht Ihnen verbunden

mit herzlichen Grüßen aus Fürth

Susanne Kramer
Bürgermeister- und Presseamt
Wasserstrasse 4
90762 Fürth
Tel.: 0911 974-1201
FAX: 0911 974-1205
e-mail: bmpa@fuerth.de

Stadt Fürth

Presse spiegel

☐ Fürther Nachrichten (FN) ☐ Süddeutsche Zeitung ☒ Stadtzeitung
☐ Nordbayerische Zeitung (NZ) ☐ BILD
☐ Erlanger Nachrichten ☐ Die Welt
☐ Abendzeitung (AZ) ☐ Die Zeit

Auszug vom:
3. Dezember 2003

Tipp: „Was von vorher übrig ist ..."

„Was von vorher übrig ist" – die Geschichte der Familie Krautheimer, zu sehen in einer großen Ausstellung im Jüdischen Museum in der Königstraße 89 bis zum 31. März.

Den Namen Krautheimer kennt man in Fürth. Professor Dr. Richard Krautheimer (1897-1994) zählt zu den bedeutendsten Kunsthistorikern des 20. Jahrhunderts. Seine Mutter Martha stiftete 1911 eine Kinderkrippe in der Maistraße 18 im Fürther Osten. Ziel der karitativen Einrichtung war es, Säuglinge und Kleinkinder zu betreuen, um erwerbstätige Mütter zu entlasten. Damit steht die Stiftung in der langen Tradition sozialen Engagements in der jüdischen Gesellschaft. Nun widmet sich eine Ausstellung im Jüdischen Museum der ereignisreichen Familiengeschichte, die bereits 1932 mit der Emigration endete. Kein Mitglied der Krautheimers kehrte nach Fürth zurück.

Neben zahlreichen Exponaten aus dem Originalinventar der Krippe und dem Nachlass Richard Krautheimers in der Bibliotheca Hertziana vom Max-Planck-Institut für Kunstgeschichte in Rom werden unbekannte Fotos aus dem Familienbesitz gezeigt.

Ein besonderer Blickfang ist ein nahezu unbekanntes Bild des Münchner Malers Ludwig von Zumbusch, das 1912 entstand und die dreijährige Lotte Krautheimer zeigt. Das Gemälde „Blondchen" wird erstmalig in einem Museum ausgestellt. Richard Krautheimer – der noch 1988 zweifelte und schrieb: „Was soll dieser neuen Gemeinschaft von Juden in Deutschland ein jüdisches Museum? Was vou vorher übrig ist, gehört in ein Archiv" – würde sich sicher darüber freuen, dass der Name seiner Familie nach Fürth zurückkehrt.

Stadt Fürth

Presse spiegel

☐ Fürther Nachrichten (FN) ☐ Süddeutsche Zeitung ☐ .....
☐ Nordbayerische Zeitung (NZ) ☐ BILD
☐ Erlanger Nachrichten ☐ Die Welt
☒ Abendzeitung (AZ) ☐ Die Zeit

Auszug vom:
27. November 2003

Humor in zerstörter Heimat

Das Jüdische Museum Franken in Fürth wirft Schlaglichter auf die Familie Krautheimer

Blondchen" fiel den Nazis angenehm auf. Das Bild, das der angesehene Münchner Portraitmaler Ludwig von Zumbusch von der dreijährigen Lotte Krautheimer gemacht hatte, musste zur Dekoration her auf die Nürnberger Reichsparteitage. So „arisch", wie Blondchen mit großen blauen Augen aus dem Gemälde guckte. Kleiner Irrtum der Rassen-Fanatiker! Denn Lotte ist die Tochter aus jüdischem gutbürgerlichem Hause in Fürth. Die betagte Dame, die 1932 in Schweden eine neue Heimat finden musste, erzählt das in einem Zeitzeugen-Video mit trockenem Humor und verleiht dieser Ausstellung damit auch die Normalität des Ungeheuerlichen. „Was von vorher übrig ist..." heißt eine neue „Andockung" im Jüdischen Museum Fürth, die Leben und Leiden der Familie Krautheimer erzählt.

Von ungefähr kommt diese Dokumentation nicht. Beschleunigt doch eine Spende der Krautheimer-Familie über 80 000 Euro den Erweiterungsbau des Museums, dessen Realisierung nun für 2006 als denkbar gilt. Solch noble Gesten haben Tradition in der Familie, deren Anfänge in der Hornschuchpromenade lagen und nun als Ergebnis der NS-Zeit zwischen New York, Stockholm und Rom verstreut leben. Die Krautheimer-Krippe etwa, von Martha Krautheimer, der Mutter von Lotte, als Stiftung 1911 gegründet, ist so ein bis heute – zumindest als Gebäude – sichtbares Zeichen. Fortschrittlich angelegt (eheliche wie uneheliche Säuglinge egal welcher Religion fanden hier Aufnahme) sollten die hohe Kindersterblichkeit in der Arbeiterstadt senken helfen. Milchflaschen, Babywaage und Höhensonne (als Gegenmittel gegen Rachitis) umreißen in der Ausstellung die Erinnerung, die ab April am Originalschauplatz der Krautheimer-Krippe (heute als Schulraum genutzt) weiter existieren soll.

> „Was von vorher übrig ist..."

Die Kuratorinnen Jutta Fleckenstein und Monika Berthold-Hilpert implantieren die Lebensläufe der Krautheimers prototypisch in die Schausammlung und lassen die Skepsis von Richard Krautheimers, Bruder von Lotte, als Ausstellungstitel über dem Ganzen flattern. Der renommierte Kunsthistoriker, der 1994 als hoch dekorierter Ehrenbürger Roms starb, glaubte nicht an Sinn und Zweck eines Jüdischen Museums: „Was von vorher übrig ist, gehört in ein Archiv", schrieb er. Die Fürther haben einen lebendigen Gegenbeweis angetreten. Spätestens wenn sich Lotte Fridman (94), geb. Krautheimer, präzise und ironisch formulierend erinnert an die liberale Religions-Position der deutschen Juden (lediglich der heilige Geist war ausgeblendet beim evangelischen Kindermädchen), das zerstörte Wort „Heimat" und das unkaputtbare Bild von Fürth. Nach einer Wiederbegegnung stellte sie fest: „Es ist immer noch die alte Fabrikstadt." **Andreas Radlmaier**

Jüdisches Museum Franken (Königstr. 89): bis 31. März. So-Fr 10-17 Uhr, Di 10-20 Uhr

Stadt Fürth

Presse spiegel

☐ Fürther Nachrichten (FN) ☐ Süddeutsche Zeitung ☐ .....
☒ Nordbayerische Zeitung (NZ) ☐ BILD
☐ Erlanger Nachrichten ☐ Die Welt
☐ Abendzeitung (AZ) ☐ Die Zeit

Auszug vom:
26. November 2003

Eine Familie für Fürth

Das Jüdische Museum erinnert an die Krautheimers

Auf den ersten Blick, und den zweiten dazu, hätte die Familie kaum deutscher sein können.

Wichtiger als alle anderen religiösen Feiern war Weihnachten – um die jüdischen Riten kennenzulernen, mussten die Kinder schon ins Nachbarhaus. Als Kriegsfreiwilliger hatte sich Richard, der Sohn, obwohl er aus gesundheitlichen Gründen zurückgestellt war, 1916 an die Front gemeldet – germanischer Patriotismus pur. Und dann allein dieses Bild: „Blondchen" heißt es, und zeigt die Tochter Lotte im zarten Alter von drei Jahren. Ein hell gelocktes Mädchen mit blauen Augen, gemalt 1912 von dem Münchner Künstler Ludwig von Zumbusch. Ein Porträt wie aus dem Volkskundebuch, ein arischer Wunschtraum. Prompt kursierte es auch erfolgreich als Postkarte.

Es ist eines der Hauptstücke in der neuen Ausstellung des Jüdischen Museums, die sich mit wenigen, aber doch aussagekräftigen Zeugnissen dem Schicksal einer der bedeutendsten Stifterfamilien Fürths widmet: der Familie Krautheimer. Ihrem sozialen Glanz und karitativen Tatendrang um die Zeit der Jahrhundertwende. Ihrem erzwungenen Niedergang, der Entehrung und Verstreuung durch das Dritte Reich. Aber auch dem mühsamen Fortbestehen in der Fremde und den Rückbezügen zur alten Heimat, die keine neue Heimat mehr sein konnte. Titel der Ausstellung: „Was von vorher übrig ist..." Es ist nicht viel.

Ein paar einzelne Objekte, Fotos, Akten, gar Zitate müssen reichen. Um den ehemaligen Rang der Familie zu belegen, haben die Ausstellungsmacherinnen immerhin eine kleine Installation aufgebaut. Sie würdigt Nathan und Martha Krautheimers vielleicht größtes Verdienst: die Einrichtung einer Kinderkrippe im Jahr 1912, die gänzlich überkonfessionell angelegt war und auch dem unehelichen Nachwuchs offen stand – ein dringend nötiger Ort für die Arbeiterstadt Fürth, in der die Säuglingssterblichkeit bei bis zu 30 Prozent lag.

Reich geworden durch die Idee, sich auf die Fabrikation gewebter Wäschezeichen zu verlegen, hatte Nathan Krautheimer in seinem Testament 60 000 Mark für einen gemeinnützigen Zweck bestimmt – und die Witwe folgte gewissenhaft.

Am bewegendsten ist freilich die Geschichte der drei Kinder – die, kaum dokumentiert, ergänzend erzählt werden muss. Von Richard Krautheimer, dem prominenten Kunsthistoriker (1897–1994), der vor den Nazis nach Amerika und Rom flüchtete. Von Lotte, die heute, 94-jährig, noch im Exilland Schweden lebt – in einem Videointerview kommt sie in der Schau zu Wort. Und von Sophie, die kein Glück hatte und mit ihrem Mann in Auschwitz endete.

Dennoch ist das Wirken der Krautheimers – übrigens auch in einer neuen kleinen Broschüre über Fürths Stifterfamilien berücksichtigt – bis heute nicht abgebrochen. Eine Spende der Familie von 80 000 Euro soll für den geplanten Anbau auf dem Nebengelände des Museums verwendet werden, ein Architektenwettbewerb steht für 2005 an. *Wolf Ebersberger*

Bis 31. März 2004. Geöffnet So. – Fr. 10 – 17 Uhr, Di. 10 – 20 Uhr. Führungen jeden Dienstag um 18.30 Uhr.

→

O. W.

Deutscher geht's nicht: Lotte Krautheimer, eines der drei Kinder der Fürther Stifterfamilie, als engelhaftes „Blondchen" (1912). Foto: Museum

Zwei Buchtipps zur jüdischen Geschichte

Es gibt, zum Glück, in Deutschland keinen Mangel an Büchern zur jüdischen Geschichte. Diese zwei Neuerscheinungen verdienen besondere Beachtung:

Martin Gilbert: Liebe Tante Fori. Eine Geschichte der jüdischen Kultur, erzählt in Briefen. (Rowohlt Verlag, 528 Seiten, 24,90 Euro)

Nicht gerade für Kinder, aber doch für ein jugendliches Publikum erscheint dieses Buch ideal geeignet – auch wenn es eigentlich an eine 91-Jährige gerichtet ist. Martin Gilbert, Historiker aus Oxford, schreibt der Mutter eines Freundes – einer ungarischen Jüdin, die seit Jahrzehnten in Indien lebt – eine Reihe von Briefen, in denen er ihr die Geschichte des jüdischen Volkes und seiner Religion erklärt: eine linear strukturierte, einfach zu lesende Einführung mit persönlichen Schwerpunkten, manchmal leider sehr betulich. Dass die Übersetzerin ausschließlich die hebräischen Begriffe verwendet – den Jordan also nur als „Jarden" anführt oder Sodom und Gomorra unkommentiert als „Sedom und Amorah" – kann ebenfalls stören.

Eli Barnavi: Universalgeschichte der Juden. (Verlag Christian Brandstätter, 324 Seiten, 59,90 Euro)

Die Bebilderung, die man in Martin Gilberts Buch entbehren muss, hier ist sie geballt zu finden: die Geschichte der Juden von den Anfängen bis zur Gegenwart – angelegt als ein historischer Atlas mit hohem Nachschlagewert. Für die Neuauflage wurde das Werk – 1992 war es zum ersten Mal als französisch-israelische Koproduktion erschienen – aktualisiert, empfiehlt sich aber weiterhin vor allem durch die anschaulich versammelten Karten und Fotos, Fakten, Daten und Zahlen. Wie bei Gilbert ist Hitlers Vernichtungskrieg gegen Europas Juden nur ein Kapitel unter vielen – wichtiger ist der Triumph des Fortbestands. *lupus*

Stadt Fürth

Presse spiegel

☒ Fürther Nachrichten (FN) ☐ Süddeutsche Zeitung ☐ .....
☐ Nordbayerische Zeitung (NZ) ☐ BILD
☐ Erlanger Nachrichten ☐ Die Welt
☐ Abendzeitung (AZ) ☐ Die Zeit

Auszug vom:
26. November 2003

‚Es ist immer noch die alte Fabrikstadt'

Die Geschichte der Familie Krautheimer im Jüdischen Museum

War es höchste Zeit? Es scheint, es war allerhöchste Zeit, Wirken, Leben und Leiden der Fürther Familie Krautheimer angemessen zu dokumentieren; schließlich gilt gerade ein Schreiben Richard Krautheimers, datierend vom 30. Dezember 1988, an die damalige Fürther Stadtheimatpflegerin Dagmar Salomon als konzeptionelles Fundament für die Arbeit jenes Museums, das elf Jahre später das Licht der Welt erblicken sollte.

Aus Rom schreibt Krautheimer (1897-1994), der mit nahezu allen bedeutenden Auszeichnungen bedachte Kunsthistoriker, auf der fünften von sechs Seiten: „Was soll dieser neuen Gemeinschaft von Juden in Deutschland (nach 1945) oder auch den Deutschen heutiger Zeit ein Jüdisches Museum? Es kann ein paar Thora-Rollen zeigen oder auch eine gerettete Land-Synagoge; oder auch ein paar in Fürth gedruckte Bücher, die keiner mehr lesen kann oder will. Das sind doch alles Fossilien. (...) Was von vorher übrig ist, gehört in ein Archiv, für künftige und zünftige Historiker; aber nicht in ein Museum."

Dependance Maistraße

Den eben nicht staubtrockenen, sondern mitunter spielerischen, visuellen, im Wortsinn be-greifbaren Umgang mit jüdischer Vergangenheit und Gegenwart hat sich das Haus unter Bernhard Purin und nun unter Daniela Eisenstein auf die Fahnen geschrieben. „Was von vorher übrig ist..." ist dann auch als durchaus doppeldeutiges Zitat zum Titel der aktuellen Sonderausstellung geronnen. Um auf begrenztem Raum Leitstränge herauszuarbeiten aus der diffizilen Historie der Krautheimers, haben die Kuratorinnen Jutta Fleckenstein und Monika Berthold-Hilpert keine Recherchiermühen gescheut – Lohn der Arbeit ist ein Projekt, das glücklicherweise nicht am 31. März 2004 endet, sondern an anderem, höchst beziehungsreichem Ort zur Fürther Dauereinrichtung wird: Teile der Ausstellung werden ab April kommenden Jahres den 1990 eingerichteten Informationsraum der so genannten Krautheimer-Krippe ausstatten; der Schauplatz Maistraße wird zu einer Dependance des Museums mit festen Öffnungszeiten.

Krautheimer-Krippe: das ist ein den etwas älteren Fürthern wohlvertrauter Begriff, denn nicht wenige sind hier zur Welt gekommen. In Erfüllung des Testaments ihres gestorbenen Ehemannes Nathan hatte Martha Krautheimer (Richards Mutter) 1911 der Stadt 60 000 Mark für überkonfessionelle wohltätige Zwecke gespendet. 1918 entstand die Säuglingskrippe, die unter Leitung des St.-Johannis-Zweigvereins bis 1966 in Betrieb war und seitdem Klassräume des Helene-Lange-Gymnasiums und der Maischule beherbergt. Eine der vier Abteilungen der Sonderausstellung zeigt eine Foto-Installation mitsamt Relikten aus frühen Krippen-Jahren wie Holzpferd, Milchflaschen und Höhensonne, die seinerzeit gegen Rachitis einzusetzen man für probat hielt.

Zugleich entwickeln die Kuratorinnen einen Abriss durch die Biografie der Familie, deren Anfänge in der Hornschuchpromenade lagen und die sich während der NS-Zeit buchstäblich in alle Winde zerstreute. Zu lenken ist der Blick auf das Kleinod dieser Schau, ein Bild des Münchner Portrait-Malers Ludwig von Zumbusch. Streng naturalistisch und ganz im Trend der Zeit entstand 1912 das Gemälde „Blondchen", das hier erstmals in einem Museum zu sehen ist. „Blondchen" ist die dreijährige Lotte Krautheimer, Richards Schwester; in den 20er-Jahren wird die Mutter sie von der Schule nehmen wegen der aus-

Ludwig von Zumbuschs Gemälde „Blondchen" (1912) zeigt die dreijährige Lotte Krautheimer, die heute in Stockholm lebt. Das Bild im typischen Stil seiner Zeit ist erstmals in einem Museum zu sehen.

Klammern, Milchflaschen und der Kopf eines Schaukelpferdes: Relikte aus den Anfängen der Krautheimer-Krippe sind in einer Vitrine im Rahmen der Sonderausstellung dokumentiert. Fotos: Hans-Joachim Winckler

nehmend hässlich agitierenden Klassenlehrerin; im Krieg wird sie nach Stockholm emigrieren und ihrer Heimatstadt nur einmal noch, 1996, einen Besuch abstatten. Richard emigriert nach New York, ab 1971 macht er als Kunsthistoriker in Rom dermaßen Furore, dass die Stadt ihm den Titel „Civis Romanus" verleiht. Der bei C.H. Beck verlegte Band „Rom, Schicksal einer Stadt" ist ein Klassiker mit Wirkkraft bis in heutige Tage.

Eindringliche Präzision

Lotte Fridman, geborene Krautheimer, hat 94-jährig im September 2003 Fleckenstein in Stockholm Rede und Antwort gestanden. Dringend zu empfehlen ist der 15-minütige Zusammenschnitt aus vierstündigem Filmmaterial. Über die Eltern redet sie, ihre Kindheit, die Krippe, Richard – und über Fürth. „Ich war neugierig", äußert sie, hellwach und mit eindringlicher Präzision formulierend, über den Besuch vor sieben Jahren. „Ich wollte wissen, aus der Stadt geworden ist, die eine Fabrikstadt war fast ohne Grün. Es war etwas lieblicher. Aber es ist immer noch die alte Fabrikstadt."

Doch die Stadt wird, wenn schon nicht lieblicher, dann bereicherter, nämlich die Stadt eines expandierenden Jüdischen Museums. Das Haus erhielt 2001 eine 80 000-Euro-Spende der Krautheimers. Der Erweiterungsbau, der einen größeren Vortragssaal, die Bibliothek und Büroräume haben wird, soll 2006 oder 2007 eröffnet werden. Ein Architektenwettbewerb ist für 2005 geplant.

War es also höchste Zeit, die Krautheimers zu ehren, so lebendig und ohne Schmock wie jetzt geschehen? Eine Frage rein rhetorischer Natur.

MATTHIAS BOLL

„Was von vorher übrig ist..." — Die Geschichte der Familie Krautheimer. Jüdisches Museum, Königstraße 89. Sonntags bis freitags 10 bis 17, dienstags 10 bis 20 Uhr. Bis 31. März.

Museum Helps Jewish Family Regain Relic Nazis Stole

By CELESTINE BOHLEN

Last fall Dr. Bernhard Purin, director of the Jewish Museum of Franconia in Fürth, Germany, began an Internet search for descendents of Siegmund Dottenheimer, the original owner of an early-18th-century Torah breastplate in the museum's collection.

When he had no luck with the full name, Dr. Purin began to shorten it, just as an immigrant to the United States might have done. He happened on a Web site belonging to the children of Fred J. Dottheim who fled Nazi Germany for St. Louis in 1937 and was the son of Siegmund Dottenheimer, a wine merchant from the Bavarian village of Gunzenhausen who perished in Auschwitz.

This month the city of Fürth and Dottenheimer's heirs negotiated an agreement whereby the breastplate — an intricately decorated object of gilt and silver, featuring distinctive unicorn heads, used to shield the mantle on the Torah scroll — will return to the family in 2003, on the occasion of the bat mitzvah of Dottenheimer's great-granddaughter, Kara Brooks, in New York.

Until then it remains on loan to the Fürth museum in acknowledgment of Dr. Purin's dogged attempt to track down the owners. Faye Dottheim-Brooks, Kara's mother, said the breastplate might even return there after her daughter's ceremony.

"It is such a wonderful story of redemption, and of the efforts of one man who did careful research," said Ms. Dottheim-Brooks, a lawyer in New York. "We feel tremendous gratitude to Dr. Purin. And if he is still there, we would like him to continue to have it in the museum, if that is the decision of the family."

Lucille A. Roussin, a lawyer who represented the Dottheim family, said the return of the breastplate may well mark the first time that a privately owned object of Judaica — lost, looted or sold during the maelstrom of the Holocaust — has been restored to a family.

The discovery that ceremonial objects in synagogues might have been private, as opposed to communal property, was a revelation, Dr. Purin said in a telephone interview. "Before everyone thought these objects belonged to the communities," he said.

The first clue to the breastplate's original ownership turned up not in Germany or

Continued on Page 5

but also lots of deserved cheers. Mr. Wieler shares directing and dramaturgical credit with Sergio Morabito, but the former does the directing and the latter, the dramaturgy. Yet, the shared credit makes sense, since clearly the thought behind their conceptions is equally important to the wonderfully intense, exact acting Mr. Wieler elicits.

The production was set in one of the designer Anna Viebrock's typical fluorescent-lighted waiting rooms. (She had done a similar set for Christoph Marthaler's "Nozze di Figaro" earlier in the festival, a production seen by the press mostly as a collection of gags, but which to others seemed a wonderful blend of visceral humor, dangerous anger and overt sexuality, all of which are right there in the score.)

The characters were attired in costumes of the interwar period. The central complicity is between the Prima Donna/Ariadne and the soubrette Zerbinetta. Supposed opposites, they here share a history of abuse by men. (Harlequin is a pimp, pedaling Zerbinetta to Scaramuccio and the rest.)

Yet all of this seeming outrage was accomplished with enormous sensitivity to Hofmannsthal and Strauss's intentions. This was not a perversion; it was a true reinterpretation, accomplished with always evident intelligence and theatrical flair. And what Mr. Wieler elicited from his cast of busy international opera singers was what festivals in general, and this festival in particular, are supposed to be all about.

And oh yes, by the way, those busy singers delivered a radiant account of the score. There were superb performers — for instance, Alice Coote and Franz-Josef Selig — in lesser roles.

But principally there were Susan Graham as the yearningly heartfelt young Composer; Doborah Polaski as the agonized, stentorian Ariadne; Jon Villars as the trumpeting Bacchus; Russell Braun as a bullying Harlequin; and above all Natalie Dessay, who suffered much groping and got her panties pulled off in midsong and still delivered as breathtaking an account of Zerbinetta's showpiece aria as one could dream of. In the pit, Christoph von Dohnanyi and the Vienna Philharmonic caressed the music; whatever tensions may have festered between Mr. Mortier and both conductor and orchestra over the last decade were nowhere in evidence. They all did Vienna proud.

ACTION-ADVENTURE."

Museum Helps a Family Regain Relic Nazis Stole

Continued From First Arts Page

even St. Louis but in Israel, where Dr. Purin was working in the Central Archives of the Jewish People at Hebrew University. There he found a collection of almost 900 photographs taken in the 1920's and 30's of synagogues in southern Germany, before the devastation that began with Kristallnacht in 1938.

Among the photographs was one of the Dottenheimer breastplate, which was then held in the Gunzenhausen synagogue, with a note on the back indicating that it was the property of Siegmund Dottenheimer. Later another note was found attached to the breastplate itself, saying that it had been restored in 1901, in a town 100 miles from Gunzhausen but near to the birthplace of Dottenheimer's wife, Frieda, who may have brought the breastplate into the family as part of her dowry.

How the breastplate ended up in the museum's collection has been more difficult to establish. According to Dr. Purin's research, in 1990 a local man approached the museum, then just in its planning stages, and offered the object that he said his father-in-law had acquired in the late 1930's. How he acquired it was never clear, although the father-in-law was said to have been a Nazi storm trooper.

After 1990 the breastplate became the property of the city of Fürth, which, when contacted by the Dottheims, was initially reluctant to part with it. Dr. Purin said that German law recommended but did not require that property lost or stolen during the Nazi era be returned to original owners once a 10-year statute of limitations had expired.

Gratitude for some scholarly detective work.

"The city was not too pleased to give it back," Dr. Purin said. "But I thought it was very important for the family because for them it is one of few material things that survived the Holocaust."

Dr. Purin, an Austrian, had worked at the Jewish museum in Vienna before coming to Fürth 12 years ago to help in the creation of the museum there. Like most other Jewish museums in Germany today (there are 5 scholarly centers and about 100 museums in old synagogues), the one in Fürth was founded by gentiles, like Dr. Purin.

The idea for the museum took hold in 1988, during the 50th anniversary of Kristallnacht, when Nazis across Germany and Austria systematically destroyed Jewish shops, homes

Photographs from the Jewish Museum of Franconia

Siegmund Dottenheimer, whose heirs have regained his property.

400, replenished by the arrival of Jews from the former Soviet Union.

After Kristallnacht, the Dottenheimer family was forced out of Gunzhausen and moved to Frankfurt. From there the eldest son — who changed his name to Fred Dottheim — moved to the United States, while the rest of the family members were later rounded up and sent to their deaths.

Ms. Dottheim-Brooks said her father never talked much about the past. "Sometimes we asked, but we knew it was too painful," recalled Ms. Dottheim-Brooks, who has now paid two visits to her father's hometown. Later, she said, she discovered that her father had corresponded with a committee handling restitution of Jewish objects in 1952 and described the missing breastplate.

At the end of World War II, Jewish Cultural Reconstruction, an organization created to distribute artifacts confiscated by the Nazis, took custody of unclaimed Judaica, including 1,000 Torah scrolls and about 17,000 other ceremonial objects, most of them silver. In the end 7,867 objects were distributed around the world, according to a formula that sent 40 percent to Israel, 40 percent to the United States and other countries in the Western Hemisphere, and 20 percent to other places, including the countries of origins. In the United States first priority went to the Jewish museums in New York and Cincinnati, according to a report by the Presidential Advisory Commission on Holocaust Assets in the United States.

Torah breast shields with the unicorn motif, made by a Nuremberg silversmith, are now in the Jewish Museum in Manhattan, the Skirball Museum in Los Angeles and in a private collection.

For the time being the Dottenheimer plate is on display at the Fürth museum with a plaque that establishes its identity.

"We had the luck that the family

indicating that it was the property of Siegmund Dottenheimer. Later another note was found attached to the breastplate itself, saying that it had been restored in 1901, in a town 100 miles from Gunzhausen but near to the birthplace of Dottenheimer's wife, Frieda, who may have brought the breastplate into the family as part of her dowry.

How the breastplate ended up in the museum's collection has been more difficult to establish. According to Dr. Purin's research, in 1990 a local man approached the museum, then just in its planning stages, and offered the object that he said his father-in-law had acquired in the late 1930's. How he acquired it was never clear, although the father-in-law was said to have been a Nazi storm trooper.

After 1990 the breastplate became the property of the city of Fürth, which, when contacted by the Dott-

Gratitude for some scholarly detective work.

heims, was initially reluctant to part with it. Dr. Purin said that German law recommended but did not require that property lost or stolen during the Nazi era be returned to original owners once a 10-year statute of limitations had expired.

"The city was not too pleased to give it back," Dr. Purin said. "But I thought it was very important for the family because for them it is one of few material things that survived the Holocaust."

Dr. Purin, an Austrian, had worked at the Jewish museum in Vienna before coming to Fürth 12 years ago to help in the creation of the museum there. Like most other Jewish museums in Germany today (there are 5 scholarly centers and about 100 museums in old synagogues), the one in Fürth was founded by gentiles, like Dr. Purin.

The idea for the museum took hold in 1988, during the 50th anniversary of Kristallnacht, when Nazis across Germany and Austria systematically destroyed Jewish shops, homes and synagogues. Before the war the Jewish population of Fürth was estimated at 3,000; by 1988 it was down to 50, most of them elderly. Since then the number has grown to about

Photographs from the Jewish Museum of Franconia

Siegmund Dottenheimer, whose heirs have regained his property.

400, replenished by the arrival of Jews from the former Soviet Union.

After Kristallnacht, the Dottenheimer family was forced out of Gunzhausen and moved to Frankfurt. From there the eldest son — who changed his name to Fred Dottheim — moved to the United States, while the rest of the family members were later rounded up and sent to their deaths.

Ms. Dottheim-Brooks said her father never talked much about the past. "Sometimes we asked, but we knew it was too painful," recalled Ms. Dottheim-Brooks, who has now paid two visits to her father's hometown. Later, she said, she discovered that her father had corresponded with a committee handling restitution of Jewish objects in 1952 and described the missing breastplate.

At the end of World War II, Jewish Cultural Reconstruction, an organization created to distribute artifacts confiscated by the Nazis, took custody of unclaimed Judaica, including 1,000 Torah scrolls and about 17,000 other ceremonial objects, most of them silver. In the end 7,867 objects were distributed around the world, according to a formula that sent 40 percent to Israel, 40 percent to the United States and other countries in the Western Hemisphere, and 20 percent to other places, including the countries of origins. In the United States first priority went to the Jewish museums in New York and Cincinnati, according to a report by the Presidential Advisory Commission on Holocaust Assets in the United States.

Torah breast shields with the unicorn motif, made by a Nuremberg silversmith, are now in the Jewish Museum in Manhattan, the Skirball Museum in Los Angeles and in a private collection.

For the time being the Dottenheimer plate is on display at the Fürth museum with a plaque that establishes its identity.

"We had the luck that the family decided to give it to us on a long-term loan," Dr. Purin said. "It became more valuable for us because it made a link from the past to the future."

The early-18th-century Torah breastplate in Fürth, Germany.

Shakespeare's

Much Ado About Nothing

@45 Bleecker

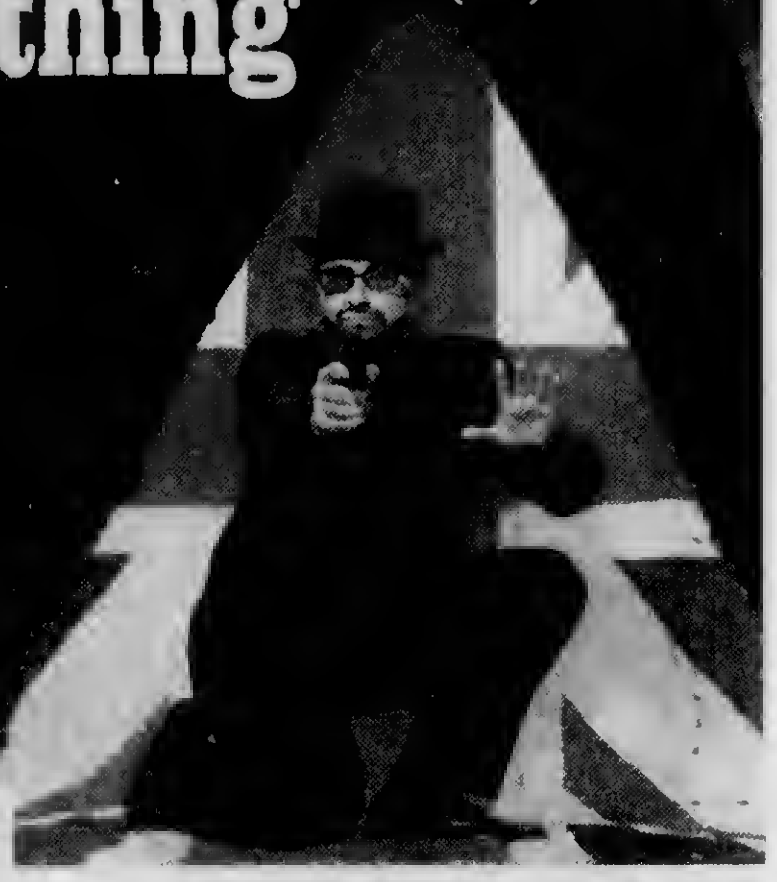
"Gleefully engaging ...directed with inspiration ... almost unbearable fun"
Anita Gates, NY Times

"A theatrical wonder"
Time Out

"Supremely witty"
Village Voice

The Aquila Theatre Company

TicketMaster
(212) 307 4100



Tuesday Shows Added!

GRAMMY NOMINATED DEBUT ALBUM, ***AUDIO***, AVAILABLE EVERYWHERE.

BLUE MAN GROUP

Astor Place Theetre 434 Lafayatta Straet NYC

SHOW SCHEDULE
Tue-Thu 8, Fri 7+10,
Sat 4,7+10, Sun 2,5+8
www.bluaman.com

TICKET INFORMATION
Box Office 212.254.4370
ticketmaster 212.307.4100
1.800.BLUEMAN

TODAY AT 3 & 8

HeLLo MuddAH, HeLLO FAddUH!

The ALLAN SHERMAN Hit Musical

"VERY FUNNY"
-The Daily News

THE TRIAD THEATRE • 158 W. 72nd St.
TELECHARGE (212) 239-6200

RY *Your daily guide to theater*

& 8
T
d Lyrics
LARSON
AEL GREIF
(800)755-4000
(800)334-8457
ed & Sat at 2 & 8
Sa 2&8, Su 2&7
) 208 W. 41st St.

& 8
Parf. 9/30 at 8
R AWARD
Comedy!
G FUNNIER
TODAY!"
oma Torre, NY-1
Conlath Hilf
POCKETS
nes
/800-432-7250
2-7000
Sat at 2 & 8
W. 45th Streat

MANCES!
8
VITATION
ACCEPTED!"
ames, NY Post
Len
Carlou
'ARTY
/800-432-7250
at at 2 & 8
9 W. 45th St.

HTFUL!"
y, Daily Naws
ERFUL,
"
, Ent. Weakly
NTY
2; Sun at 3
x Availabla
ox Office
00-432-7250
-223-7565
om
0 W. 49 St.

TODAY at 2 & 8
"THE MUST-SEE COMEDY OF THE YEAR!" —The Journal Naws
Telecharga:212-239-6200/800-432-7250
Or order onlino: allergistswife.com
VALERIE HARPER
TONY ROBERTS MICHELE LEE
THE TALE OF THE ALLERGIST'S WIFE
A Naw Comedy by CHARLES BUSCH
Directed by LYNNE MEADOW
Tue-Sat at 8, Mats. Wed & Sat 2, Sun 3
Groups: 212-239-6262
Barrymore Theatre(+), 243 W. 47th St.

Box office now open!
Limited Engagement - Sept 20-Jan 6
Lincoln Center Theater presents
THOU SHALT NOT
A Naw Musical by Susan Stroman.
David Thompson and Harry Connick, Jr.
Telecharga 212-239-6200/800-432-7250
Groups 212-398-8383/800-223-7565
Plymouth Thaatra (+) 236 W 45 St

"GRADE: A!"
—Entertainmant Weekly
TODAY AT 2:15 & 8
URINETOWN
THE MUSICAL
Tickats: (212) 239-6200
Groups of 10+: (800)677-1164
urinetown.com
Tha Henry Miller(+) 124 W. 43 St.

OFF-BROADWAY

Tonight & Tomorrow at 8
WINNER! BEST OFF-B'WAY MUSICAL
Outer Critics & Lucilla Lortel Awards
BAT BOY The Musical
Tkts 212-505-0700/Grps 212-541-8457
Tickatmaster 212-307-4100
order online: Batboy-ThaMusical.com
Tue-Fri at 8, Sat at 3&8, Sun at 3&7:30
Union Sq. Theatra, 100 East 17th St.

EXTENDED! Through Sept. 23rd!
TODAY AT 2:30 & 7:30
"A SILKY-SMOOTH PRODUCTION

TODAY AT 2:30!
"THE MOST ENTERTAINING SHOW ON OR OFF BROADWAY! HILARIOUS!"
—Gannett Nawspapers
Now in Boston! 800-447-7400
I LOVE YOU, YOU'RE PERFECT, NOW CHANGE
Tha Hilarious Hit Musical
M, T, F, Sa 8, Wed & Sa 2:30, Su 3 & 7:30
Telecharge 239-6200; Groups 889-4300
WESTSIDE THEATRE(+) 407 West 43 St.

LAST 7 PERFS! Thru Sunday Only
Today at 2 & 8, Tomorrow at 8
"CONFIRMS LONERGAN AS A COMIC WIZARD." —NY Magazine
LOBBY HERO
by Kenneth Lonergan
Directed by Mark Brokaw
Call 212-239-6200/Telecharga.com
Wed-Fri at 8, Wed & Sat at 2 & 8, Sun at 3
John Houseman Theater (+) 450 W 42 St

"PHENOMENAL! A ROCKIN' GOOD TIME!" —WCBS-FM
TONIGHT AT 8
LOVE, JANIS
Tha Janis Joplin Musical
Frea Southern Comfort Shot Sat 10:30!
Tuas-Fri at 8, Sat 7 & 10:30, Sun 3 & 7:30
Ticketmaster 307-4100/Grps 580-9272
Viltaga Thaater, 158 Bleecker St.

"GLEEFULLY ENGAGING"-NY Times
"THE FEEL GOOD HIGH OF THE SUMMER!" -Nassau Herald
Aquila Theatra Co in Shakespeare's
Much Ado About Nothing
$40 & $30 Ticketmaster (212)307-4100
Groups or box office info (212)529-4530
Tue-Fri 8; Sat 5 & 9; Sun 3 & 7
45 bleecker thea, cnr Bleecker/Lafayette

TONIGHT AT 8
"'OH CALCUTTA' BY A 'FULL MONTY' GANG!" —Daily News
NAKED BOYS SINGING!
Third Outrageous Year!
Mon,Wed-Fri at 8, Sat 7 & 10, Sun 3 & 7
Telecharga 239-6200 Groups 580-9272
ACTORS' PLAYHOUSE

LAST 6 PERFS! Thru Saturday Only!
Today at 3 & 8, Tomorrow at 8
"THEATER HEAVEN." —NY Times
Today's Matinee—ALL TICKETS $35!
EDWARD ALBEE'S
The Play About the Baby
Directed by DAVID ESBJORNSON.
Call 212-239-6200/Telecharge.com
All Box Seats $25 at Box Office Only
Wed-Sat at 8, Wed & Sat 3 & 8
Century Centar, 111 East 15th St.

WINNER! OBIE AWARD
BEST PLAY 2001
WINNER! Drama Dask Award
WINNER! Outer Critics Circle Award
TONIGHT AT 8
THE SYRINGA TREE
www.syringatrea.com
Tue-Fri at 8, Sat at 2 & 8, Sun at 3
TicketMaster: 212-307-4100
Box Office: 212-831-2000
Playhouse 91, 316 East 91 St.

TONIGHT at 8 thru September 18
with Ali Lartar,
Sandra Oh & Loretta Swit
THE VAGINA MONOLOGUES
by EVE ENSLER
Directed by JOE MANTELLO
Telecharge 212-239-6200/800-432-7250
Telecharga.com Grps 212-479-0858
Tues-Fri at 8, Sat 5 & 8, Sun 3 & 7:30
Westside Theatre (+) 407 W. 43rd St.

Tonight & Tomorrow at 8
"A RARE TREAT EVERYONE WILL LOVE." —WOR-AM
tick, tick...BOOM!
A new musical by Jonathan Larson
Tlchrg 212-239-6200/ticktickboom.net
Tue-Thurs at 8, Fri & Sat 7 & 10, Sun 7
Beg 9/4: Tu-Th 8, Fri 7&10, Sat 8, Sun 3&7
Fridays at 10pm - All Seats $30
$20 rush tix avail 2 hrs belora show
Groups: (212) 889-4300
Jane Street Theatra, 113 Jana St.

Thurs, Fri, Sat at 7, Sun at 2 & 7
14th Year of "HILARIOUS FUN!"—UPI

GRAMMY NOMINATED DEBUT ALBUM,
AUDIO, AVAILABLE EVERYWHERE.

Astor Place Theatre 434 Lafayette Street NYC
SHOW SCHEDULE
Tue-Thu 8, Fri 7+10,
Sat 4,7+10, Sun 2,5+8
www.blueman.com
TICKET INFORMATION
Box Office 212.254.4370
ticketmaster 212.307.4100
1.800.BLUEMAN

The ALLAN SHERMAN Hit Musical
"VERY FUNNY"
-The Daily News
THE TRIAD THEATRE • 158 W. 72nd St.
TELECHARGE (212) 239-6200

RY *Your daily guide to theater*

& 8
T
d Lyrics
LARSON
AEL GREIF
(800)755-4000
s (800)334-8457
ed & Sat at 2 & 8
Se 2&8, Su 2&7
) 208 W. 41st St.

& 8
Perf. 9/30 at 8
R AWARD
Comedy!
G FUNNIER
TODAY!"
ome Torre, NY-1
Conleth Hill
POCKETS
nes
/800-432-7250
2-7000
Set at 2 & 8
W. 45th Street

MANCES!
& 8
NVITATION
ACCEPTED!"
ames, NY Post
Len
Cariou
PARTY
/800-432-7250
t at 2 & 8
W. 45th St.

HTFUL!"
y, Daily News
ERFUL,
"
Ent. Weekly
NTY
2; Sun at 3
x Available
x Office
00-432-7250
-223-7565
om
0 W. 49 St.

y Award
, Sun 11-7
307-4747
5-4000
n Theatre,
10036
y.com
-677-1164
Sun at 3
ey & 42 St.

NEW
ENT!"
s, NY Post
ecca Luker
N
by
n at 3
-4000
3-7565
com
St.

-7250
t 2
7
62
m
St.
Everl
AL
S
VE
Times
W
ICK
al
50
1164
n 3
treet
s
t. 30
FOR1
5u 3
-7250
com
way

TODAY at 2 & 8
"THE MUST-SEE COMEDY
OF THE YEAR!" —The Journal News
Telecharge:212-239-6200/800-432-7250
Or order online: allergistswife.com
VALERIE HARPER
TONY ROBERTS MICHELE LEE
THE TALE OF THE ALLERGIST'S WIFE
A New Comedy by CHARLES BUSCH
Directed by LYNNE MEADOW
Tue-Sat at 8, Mats. Wed & Sat 2, Sun 3
Groups: 212-239-6262
Berrymore Theatre(+), 243 W. 47th St.

Box office now open!
Limited Engagement - Sept 20-Jan 6
Lincoln Center Theater presents
THOU SHALT NOT
A New Musical by Susan Stroman,
David Thompson and Harry Connick, Jr.
Telecharge 212-239-6200/800-432-7250
Groups 212-398-8383/800-223-7565
Plymouth Theatre (+) 236 W 45 St

"GRADE: A!"
—Entertainment Weekly
TODAY AT 2:15 & 8
URINETOWN
THE MUSICAL
Tickets: (212) 239-6200
Groups of 10+: (800)677-1164
urinetown.com
The Henry Miller(+) 124 W. 43 St.

OFF-BROADWAY

Tonight & Tomorrow at 8
WINNER! BEST OFF-B'WAY MUSICAL
Outer Critics & Lucille Lortel Awards
BAT BOY The Musical
Tkts 212-505-0700/Grps 212-541-8457
Ticketmaster 212-307-4100
order online: Batboy-TheMusical.com
Tue-Fri at 8, Sat at 3&8, Sun at 3&7:30
Union Sq. Theatre, 100 East 17th St.

EXTENDED! Through Sept. 23rd!
TODAY AT 2:30 & 7:30
"A SILKY-SMOOTH PRODUCTION.
LUSH AND MELODIC."
—Bruce Weber, New York Times
Phylicia Reshad Hill Harper
BLUE
By Charles Randolph-Wright
Directed by Sheldon Epps
Tickets: 212-777-4900 or 212-307-4100
Order Online at www.ticketmaster.com
Roundabout Theatre Company at the
Gramercy Theatre, 127 E 23rd St.

TONIGHT & TMRW AT 8
"THE SHOW ROCKS!" NY TIMES
BLUE MAN GROUP
www.blueman.com
Tue-Thur 8, Fri 7&10
Sat 4,7&10, Sun 2,5&8
CHARGE TICKETS:(212) 254-4370
GROUP SALES: (212) 260-8993
TICKETMASTER: (212) 307-4100
Astor Place Theatre (+) 434 Lafayette St

Tonight & Tomorrow at 8
This Friday at 8, Sat. & Sun. at 7 & 10
"HEART POUNDING!" —Ent. Weekly
DE LA GUARDA
Telecharge:212-239-6200/800-432-7250
Or order online: digsite.com
Groups: Theatre Direct: (800)334-8457
Tue-Thur 8, Fri 8&10:30, Sat 7&10, Sun 7
Daryl Roth Theatre, 20 Union Sq. East

Tonight & Tomorrow at 8!
"I'm thinking: at my age
how can this be your first time?"
FIRST LOVE
Written by Charles L. Mee
Directed by Erin B. Mee
Tue-Fri at 8; Sat at 3 & 8; Sun at 2 & 7
Telecharge:212-239-6200/800-432-7250
NY Theatre Workshop (+) 79 E. 4th St.

WINNER! BEST MUSICAL REVUE
2001 Drama Desk Awards
TODAY at 2:30 & 8:15, TOM'W at 8:15
"INTOXICATING" -Brantley, NY Times
FORBIDDEN BROADWAY 2001
A SPOOF ODYSSEY
M,W-Sa 8:15;We&Sa 2:30;Su 3:30&7:30
Telecharge:239-6200/Groups:840-5564
Douglas Fairbanks Thea. (+) 432 W 42 St

TODAY AT 3 & 8
"DETONATES WITH LAUGHTER"
—New York Times
HELLO MUDDAH! HELLO FADDUH!
THE ALLAN SHERMAN MUSICAL
Call 239-6200/Groups 265-8500
Tues-Fri 8; Sat 5 & 8; Mats. Wed & Sun 3
The Triad Theatre 158 W 72nd St.

TODAY AT 2:30!
"THE MOST ENTERTAINING SHOW
ON OR OFF BROADWAY! HILARIOUS!"
—Gannett Newspapers
Now in Boston! 800-447-7400
I LOVE YOU, YOU'RE PERFECT, NOW CHANGE
The Hilarious Hit Musical
M, T, F, Sa 8, Wed & Se 2:30, Su 3 & 7:30
Telecharge 239-6200;Groups 889-4300
WESTSIDE THEATRE(+)407 West 43 St.

LAST 7 PERFS! Thru Sunday Only
Today at 2 & 8, Tomorrow at 8
"CONFIRMS LONERGAN AS A
COMIC WIZARD." —NY Magazine
LOBBY HERO
by Kenneth Lonergan
Directed by Mark Brokew
Call 212-239-6200/Telecharge.com
Wed-Fri at 8, Wed & Sat at 2 & 8, Sun at 3
John Houseman Theater (+) 450 W 42 St

"PHENOMENAL! A ROCKIN'
GOOD TIME!" —WCBS-FM
TONIGHT AT 8
LOVE, JANIS
The Janis Joplin Musical
Free Southern Comfort Shot Sat 10:30!
Tues-Fri at 8, Sat 7 & 10:30, Sun 3 & 7:30
Ticketmaster 307-4100/Grps 580-9272
Village Theater, 158 Bleecker St.

"GLEEFULLY ENGAGING"-NY Times
"THE FEEL GOOD HIGH
OF THE SUMMER!" -Nassau Herald
Aquila Theatre Co in Shakespeare's
Much Ado About Nothing
$40 & $30 Ticketmaster (212)307-4100
Groups or box office info (212)529-4530
Tue-Fri 8; Sat 5 & 9; Sun 3 & 7
45 bleecker thea,cnr Bleecker/Lafayette

TONIGHT AT 8
"'OH CALCUTTA' BY A
'FULL MONTY' GANG!" —Daily News
NAKED BOYS SINGING!
Third Outrageous Year!
Mon,Wed-Fri at 8, Sat 7 & 10, Sun 3 & 7
Telecharge 239-6200 Groups 580-9272
ACTORS' PLAYHOUSE
100 7th Ave So.(below Christopher St.)

WINNER! BEST MUSICAL
2000 MAC AWARDS
TODAY AT 2:30 & 8!
"Superior Entertainment" -NY Times
OUR SINATRA
A Musical Celebration
Mon-Wed,Fri,Sat 8,Wed 2:30,Su 3& 7:30
Telecharge:239-6200/Groups:889-4300
Food & Drinks available before show
The Reprise Room, 245 W. 54th St.

Previews Begin Tuesday, Sept. 25
"WILDLY, UNBELIEVABLY,
EXHILARATINGLY FUNNY."
—Toronto Star
PUPPETRY OF THE PENIS
Telecharge 212-239-6200/800-432-7250
Or order online at Telecharge.com
Tue-Thurs at 8, Fri & Sat 7&9:30, Sun 7
John Houseman Theater (+) 450 W 42 St

TONIGHT AT 8
"A WELL CHOSEN CAST WITH SOME
'SOPRANOS' ACTORS! AN EVENING
OF ENTERTAINMENT!"NY Times
"TERRIFIC!"TV's Good Day NY
SIX GOUMBAS AND A WANNABE
Call Telecharge 239-6200/B.O.254-5076
Tues-Fri 8, Sat 3 & 8, Sun 3 & 7
Players Theatre, 115 MacDougal St.

TOMORROW AT 8
"BRILLIANT, EXUBERANT AND
INFECTIOUS." —Holden, NY Times
STOMP
Tues-Fri 8, Sat 7 & 10:30, Sun 3 & 7
Box Office: 477-2477/Groups: 302-7000
Ticketmaster: (212) 307-4100
www.stomponline.com
Orpheum Theatre, Second Ave at 8th St.

Buy 1, Get 1 FREE thru Sat. only
Call 212-307-4100 & give code 2FOR1
TONIGHT AT 8 - Come Party with
HOST ROBIN BYRD!
"Pure Unadulterated Fun"—Time Out
THE DONKEY SHOW
Buy online: thedonkeyshow.com
Wed & Thurs at 8, Fri & Sat at 8 & 10:30
Bachelorette Party Info: 212-581-5700
Club El Flamingo, 547 West 21st

For four weeks only!
"I CAN PROMISE YOU THAT YOU'LL
HAVE A GOOD TIME" -Barnes, NY Post
THE IRISH...AND HOW THEY GOT THAT WAY
By Frank McCourt
Tue-Fri 8; Sat 3 & 8; Sun 3
Call 212-727-2737
Irish Repertory Thea 132 W 22 bet 6&7

LAST 6 PERFS! Thru Saturday Only!
Today at 3 & 8, Tomorrow at 8
"THEATER HEAVEN." —NY Times
Today's Matinee—ALL TICKETS $35!
EDWARD ALBEE'S
The Play About the Baby
Directed by DAVID ESBJORNSON.
Call 212-239-6200/Telecharge.com
All Box Seats $25 at Box Office Only
Wed-Sat at 8, Wed & Sat 3 & 8
Century Center, 111 East 15th St.

WINNER! OBIE AWARD
BEST PLAY 2001
WINNER! Drama Desk Award
WINNER! Outer Critics Circle Award
TONIGHT AT 8
THE SYRINGA TREE
www.syringatree.com
Tue-Fri at 8, Sat at 2 & 8, Sun at 3
TicketMaster: 212-307-4100
Box Office: 212-831-2000
Playhouse 91, 318 East 91 St.

TONIGHT at 8 thru September 16
with Ali Larter,
Sandra Oh & Lorelle Swit
THE VAGINA MONOLOGUES
by EVE ENSLER
Directed by JOE MANTELLO
Telecharge 212-239-6200/800-432-7250
Telecharge.com Grps 212-479-0858
Tues-Fri at 8, Sat 5 & 8, Sun 3 & 7:30
Westside Theatre (+) 407 W. 43rd St.

Tonight & Tomorrow at 8
"A RARE TREAT EVERYONE
WILL LOVE." —WOR-AM
tick, tick...BOOM!
A new musical by Jonathan Larson
Tichrg 212-239-6200/ticktickboom.net
Tue-Thurs at 8, Fri & Sat 7 & 10, Sun 7
Beg 9/4: Tu-Th 8,Fri 7&10,Sat 8,Sun 3&7
Fridays at 10pm - All Seats $30
$20 rush tix avail 2 hrs before show
Groups: (212) 889-4300
Jane Street Theatre, 113 Jane St.

Thurs, Fri, Sat at 7, Sun at 2 & 7
14th Year of "HILARIOUS FUN!"—UPI
TONY N' TINA'S WEDDING
Call Tele-charge: (212)239-6200
Or in person at Ticket Central box office
555 West 42nd St. (1 pm to 7 pm daily)
Groups: (212) 889-4300
For Discounts Visit Our Website:
www.TonyLovesTina.com
Ceremony: St. Luke's 308 West 46th St.

Tonight at 8
THE PUBLIC THEATER presents
TOPDOG/UNDERDOG
By Suzan-Lori Parks
Directed by George C. Wolfe
With Don Cheadle and Jeffrey Wright
Tue-Fri at 8, Sat at 2 & 8, Sun at 2 & 7
Telecharge:212-239-6200/800-432-7250
Grp Sales:212-398-8383/800-223-7565
The Public Theater, 425 Lafayette Street

OFF-OFF-BROADWAY

Sept 6-22; Wed-Sat 8; Sat Mat 2; Sun 7
GOODTIME CHARLEY
a musical comedy
Book by Sidney Michaels
Music by Larry Grossman
Lyrics by Hal Hackady
SmartTix 212-206-1515 smarttix.com
All tix $15 Equity approved showcase
ArcLight, 152 W 71 (Bway/Columbus)

LIMITED ENGAGEMENTS

Today at 3 & 8 /Last 7 Performances!
"INSIGHTFUL&SATISFYING!"NYTimes
"COMPELLING!" TimeOut NY
The Women's Project Production of
RUBY DEE in
SAINT LUCY'S EYES
by Bridgette A.Wimberly/dir Billie Allen
Tues-Sat 8, Mats: Wed, Sat & Sun 3
Call Telecharge (212) 239-6200
Cherry Lane Theatre 38 Commerce St.

(+)
THIS SIGN,WHEN FOLLOWING THE NAME OF A THEATER, INDICATES THAT A SHOW IS EQUIPPED WITH AN INFRARED LISTENING SYSTEM.

Das fränkische Jerusalem

Jahrhundertelang lebten in Fürth Juden und Christen verträglich miteinander

VON RALF NESTMEYER

Für den 15. Juli ist die Eröffnung des Fürther Jüdischen Museums vorgesehen, über dessen Genese in dieser Zeitung laufend berichtet wurde. Zur Einstimmung auf dieses Ereignis bringt die „NZ am Wochenende" zwei Beiträge über die Geschichte der Fürther Juden. Der heutige Beitrag befaßt sich mit der Zeit vom ausgehenden Mittelalter bis 1945. In der zweiten Monatshälfte folgt ein Bericht über die kleine jüdische Gemeinde, die vorübergehend in den ersten Nachkriegsjahren in Fürth existiert hatte.

Fürth, das „Fränkische Jerusalem", wurde mehr als jede andere süddeutsche Stadt von ihren jüdischen Bewohnern geprägt. Im 18. Jahrhundert war fast jeder vierte Fürther jüdischen Glaubens, der Reiseschriftsteller Wilhelm Heinrich Wackenroder nannte Fürth im Jahre 1793 gar eine von „Juden wimmelnde Stadt".

Wer mit offenen Augen durch Fürth schlendert, kann noch an zahlreichen Hauseingängen im oberen Drittel des rechten Türstocks die Stelle erkennen, an der sich einst eine Mesusa befand. Diese kleine Kartusche, die traditionell ein Pergamentröllchen mit einem Bibelzitat enthält und beim Betreten des Hauses geküßt oder berührt wird, ist ein deutlicher Hinweis darauf, daß in dem Haus einst eine jüdische Familie gelebt hat.

Eher verborgen sind hingegen die jüdischen Ritualbäder, die im Keller mehrerer Privathäuser erhalten sind. Auch das Haus in der Königstraße, in dem sich das Jüdische Museum befindet, besitzt eine solche Mikwe. Jüdische Frauen mußten dem Talmud zufolge nach ihrer Periode in fließendem Wasser beziehungsweise im Grundwasser der Mikwe untertauchen, um sich ihre rituelle Reinheit zu bewahren.

Leben im Vakuum

Begünstigt wurde die dauerhafte Ansiedlung von Juden durch die komplizierten politischen Machtverhältnisse in der Kleeblattstadt. Jahrhundertelang lebten die Fürther nämlich in einem politischen Machtvakuum, das allerdings für eine expansive Stadtentwicklung nicht gerade förderlich war. Drei „Herren", das Bamberger Domkapitel, der Markgraf von Ansbach und der Rat der Reichsstadt Nürnberg versuchten in Fürth, wo ihre Territorien teilweise Haus an Haus aneinandergrenzten, ihre Ansprüche geltend zu machen.

Schon im 15. Jahrhundert gab es in Fürth ein „Judengäßlein", aber erst als die Nürnberger 1499 ihre Juden endgültig vertrieben hatten, sind sie in Fürth in größerer Zahl ansässig geworden. Der mit der Reichsstadt in ständiger Rivalität lebende Markgraf von Ansbach ergriff die Gelegenheit, aus der Vertreibung der Juden aus Nürnberg Profit zu schlagen und siedelte sie in Fürth an. Neben einem hohen Schutzgeld versprach er sich auch eine Belebung des Fürther Wirtschaftslebens auf Kosten der Nürnberger. Es dauerte nicht lange, bis sich der Bamberger Bischof von der Idee des Markgrafen begeistert zeigte und ihm nacheiferte . . .

Im Laufe des 17. Jahrhunderts etablierten sich die Fürther Juden: 1607 wurde der erste Rabbiner berufen und der Friedhof angelegt, nur zehn Jahre später entstand die erste von insgesamt sechs Fürther Synagogen, 1653 ein Krankenhaus. Die mit Hilfe der aus Wien vertriebenen Juden gegründete Talmudhochschule wurde zu einem Mittelpunkt des geistigen jüdischen Lebens in Deutschland: Ihre Absolventen erhielten Rabbinatsstellen in ganz Europa. Mehr als ein Dutzend jüdischer Druckereibetriebe vertrieben religiöse Schriften von Fürth aus in alle Teile Europas.

Der Zentaurenbrunnen auf dem Bahnhofplatz verdankt sich der Schenkung zweier jüdischer Stadtbürger.

Foto: Hafenrichter

In ihrer Blütezeit zählte die Talmudhochschule mehrere hundert Schüler, darunter auch Mayer Amschel Rothschild, der Stammvater der berühmten Rothschilds. Doch im 19. Jahrhundert verfügen die Behörden des Königreichs Bayern die Schließung der einst so bedeutenden Lehranstalt, die ihnen als „Zentralpunkt der Verfinsterung und des Aberglaubens" galt.

Im Gegensatz zu anderen Städten hat in Fürth niemals ein jüdisches Ghetto existiert; jüdische Bauten sind daher über die gesamte Innenstadt verteilt. In vielen deutschen Städten wurden die Juden mit Verboten und Schikanen in die Isolation gedrängt und die Gewerbetreibenden ihrer Existenzgrundlagen beraubt; nicht so in Fürth. Hier hatten die Juden schon bald einen entscheidenden Anteil am Gewerbeleben, so daß der Fürther Aufschwung vom Dorf zur Industriestadt fraglos zu einem bedeutenden Teil der jüdischen Bevölkerung zu verdanken ist.

In Anbetracht dieser Verdienste konnten es sich die Fürther Juden sogar leisten, gegen den Nachtwächter zu protestieren, der seinen Ruf mit „Ihr lieben Christen . . ." begann. Mit Erfolg: Bereits 1693 wurden die Stunden mit der Formel „Ihr lieben Herren . . ." angekündigt.

Die Fürther Juden erhielten durch das 1719 erlassene „Reglement für die gemeine Judenschaft" zahlreiche Privilegien, die ihnen eine in Deutschland einzigartige Stellung sicherte. Sie besaßen nicht nur das aktive und passive Wahlrecht zum Bürgermeisteramt, sie konnten auch zwei Deputierte in die christliche Gemeinde entsenden.

Alle waren tolerant

Jahrhundertelang lebten Juden und Christen in Fürth mehr als einträchtig neben- und miteinander. So unterstützten die Fürther Juden mit ihren Spenden sowohl den Bau der katholischen Kirche „Zu Unserer Lieben Frau" als auch jenen der protestantischen Auferstehungskirche. Der Amtsarzt Adolf Mair lobte das tolerante Klima 1861 in den höchsten Tönen: „Rühmlichst hervorzuheben ist die achtungswerte Duldung, gegenseitige Opferwilligkeit und unbegrenzte Wohltätigkeit — Produkte der kaum irgendwo wieder so vorhandenen Eintracht zwischen Katholiken, Protestanten und Juden."

Eine Vielzahl sozialer und kultureller Einrichtungen wie das Nathansstift, die Krautheimerkrippe und das Berolzheimerianum wurden ebenfalls durch jüdische Stiftungen begründet. Die kunstsinnige jüdische Bürgerschaft brachte auch mehr als die Hälfte der Spenden auf, die für das 1902 eröffnete Theater gesammelt wurden. Der monumentale Zentaurenbrunnen am Bahnhofplatz ist eine Schenkung von Königswarter und Morgenstern.

Die Gaststätte „Gaulstall" existierte schon zu Jakob Wassermanns Zeit, der mit seinen Eltern mehrere Jahre in diesem Haus direkt über der Gaststätte wohnte.

Bei der Judenemanzipation spielte Fürth in Bayern eine Vorreiterrolle: In Fürth wurde 1843 mit Dr. Grünsfeld nicht nur der erste jüdische Rechtsanwalt zugelassen, auch der erste jüdische Landtagsabgeordnete, ein Dr. Morgenstern, sowie der erste jüdische Schulrektor und der erste jüdische Richter des bayerischen Königreichs lebten in Fürth.

Im 19. und 20. Jahrhundert sind aus der Fürther Judenschaft zahlreiche bekannte Personen hervorgegangen, so beispielsweise der Verleger Leopold Ullstein, der Schriftsteller Jakob Wassermann und mit dem 1923 geborenen Henry Kissinger sogar ein US-Außenminister, der bis heute die Ergebnisse „seines" Fürther Fußballvereins mit Interesse verfolgt.

Jakob Wassermann — einer der meistgelesenen Schriftsteller seiner Zeit — erinnerte sich in „Mein Weg als Jude und Deutscher": „Genau betrachtet, war man Jude nur dem Namen nach und durch die Feindseligkeit, Fremdheit und Ablehnung der christlichen Umwelt, die sich hierzu auch nur auf ein Wort, eine Phrase, auf falschen Tatbestand stützte."

Mehrere Jahre lang lebte Wassermann mit seinen Eltern im ersten Stock über einer Gaststätte,

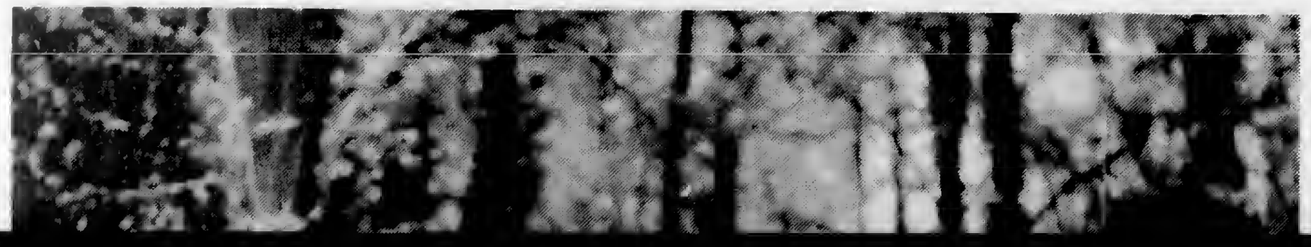
Ein Besuch des Friedhofs ist nur im Rahmen einer Führung möglich. Wer will, kann mit einem Blick über die Sandsteinmauer vorliebnehmen. Dies ist an zwei Stellen möglich: Am Eingangstor in der Schlehengasse und an der Ecke zwischen der Bogen- und der Weiherstraße. Von der Schlehengasse aus läßt sich auch ein Eindruck von den Zerstörungstaten der Nationalsozialisten gewinnen.

Löschteich im Friedhof

Mitten im Friedhof, dort, wo heute eine freie Wiese zu sehen ist, legten die Nazis während des Krieges überflüssigerweise einen Löschteich an —

Hier war eine Mesusa angebracht.

Fotos: Nestmeyer



Alter bis 1945. In der zweiten Monatshälfte folgt ein kleiner Artikel über die kleine jüdische Gemeinde, die vorübergehend in den ersten Nachkriegsjahren in Fürth existiert hatte.

kennen, an der sich einst eine Mesusa befand. Diese kleine Kartusche, die traditionell ein Pergamentröllchen mit einem Bibelzitat enthält und beim Betreten des Hauses geküßt oder berührt wird, ist ein deutlicher Hinweis darauf, daß in dem Haus einst eine jüdische Familie gelebt hat.

Eher verborgen sind hingegen die jüdischen Ritualbäder, die im Keller mehrerer Privathäuser erhalten sind. Auch das Haus in der Königstraße, in dem sich das Jüdische Museum befindet, besitzt eine solche Mikwe. Jüdische Frauen mußten dem Talmud zufolge nach ihrer Periode in fließendem Wasser beziehungsweise im Grundwasser der Mikwe untertauchen, um sich ihre rituelle Reinheit zu bewahren.

Leben im Vakuum

Begünstigt wurde die dauerhafte Ansiedlung von Juden durch die komplizierten politischen Machtverhältnisse in der Kleeblattstadt. Jahrhundertelang lebten die Fürther nämlich in einem politischen Machtvakuum, das allerdings für eine expansive Stadtentwicklung nicht gerade förderlich war. Drei „Herren", das Bamberger Domkapitel, der Markgraf von Ansbach und der Rat der Reichsstadt Nürnberg versuchten in Fürth, wo ihre Territorien teilweise Haus an Haus aneinandergrenzten, ihre Ansprüche geltend zu machen.

Schon im 15. Jahrhundert gab es in Fürth ein „Judengäßlein", aber erst als die Nürnberger 1499 ihre Juden endgültig vertrieben hatten, sind sie in Fürth in größerer Zahl ansässig geworden. Der mit der Reichsstadt in ständiger Rivalität lebende Markgraf von Ansbach ergriff die Gelegenheit, aus der Vertreibung der Juden aus Nürnberg Profit zu schlagen und siedelte sie in Fürth an. Neben einem hohen Schutzgeld versprach er sich auch eine Belebung des Fürther Wirtschaftslebens auf Kosten der Nürnberger. Es dauerte nicht lange, bis sich der Bamberger Bischof von der Idee des

Der Zentaurenbrunnen auf dem Bahnhofplatz verdankt sich der Schenkung zweier jüdischer Stadtbürger.
Foto: Hafenrichter

sechs Fürther Synagogen, 1653 ein Krankenhaus. Die mit Hilfe der aus Wien vertriebenen Juden gegründete Talmudhochschule wurde zu einem Mittelpunkt des geistigen jüdischen Lebens in Deutschland: Ihre Absolventen erhielten Rabbinatsstellen in ganz Europa. Mehr als ein Dutzend jüdischer Druckereibetriebe vertrieben religiöse Schriften von Fürth aus in alle Teile Europas.

In ihrer Blütezeit zählte die Talmudhochschule mehrere hundert Schüler, darunter auch Mayer Amschel Rothschild, der Stammvater der berühmten Rothschilds. Doch im 19. Jahrhundert verfügen die Behörden des Königreichs Bayern die Schließung der einst so bedeutenden Lehranstalt, wieder so vorhandenen Eintracht zwischen Katholiken, Protestanten und Juden."

Eine Vielzahl sozialer und kultureller Einrichtungen wie das Nathansstift, die Krautheimerkrippe und das Berolzheimerianum wurden ebenfalls durch jüdische Stiftungen begründet. Die kunstsinnige jüdische Bürgerschaft brachte auch mehr als die Hälfte der Spenden auf, die für das 1902 eröffnete Theater gesammelt wurden. Der monumentale Zentaurenbrunnen

Eines der eindrucksvollsten Zeugnisse von der einstigen Größe der jüdischen Gemeinde in Fürth ist deren alter Friedhof. Er wurde 1607 angelegt. Die letzten Grabsteine stammen von 1906.

Anteil am Gewerbeleben, so daß der Fürther Aufschwung vom Dorf zur Industriestadt fraglos zu einem bedeutenden Teil der jüdischen Bevölkerung zu verdanken ist.

In Anbetracht dieser Verdienste konnten es sich die Further Juden sogar leisten, gegen den Nachtwächter zu protestieren, der seinen Ruf mit „Ihr lieben Christen ..." begann. Mit Erfolg: Bereits 1693 wurden die Stunden mit der Formel „Ihr lieben Herren ..." angekündigt.

Die Fürther Juden erhielten durch das 1719 erlassene „Reglement für die gemeine Judenschaft" zahlreiche Privilegien, die ihnen eine in Deutschland einzigartige Stellung sicherte. Sie besaßen nicht nur das aktive und passive Wahlrecht zum Bürgermeisteramt, sie konnten auch zwei Deputierte in die christliche Gemeinde entsenden.

Alle waren tolerant

Jahrhundertelang lebten Juden und Christen in Fürth mehr als einträchtig neben- und miteinander. So unterstützten die Fürther Juden mit ihren Spenden sowohl den Bau der katholischen Kirche „Zu Unserer Lieben Frau" als auch jenen der protestantischen Auferstehungskirche. Der Amtsarzt Adolf Mair lobte das tolerante Klima 1861 in den höchsten Tönen: „Rühmlichst hervorzuheben ist die achtungswerte Duldung, gegenseitige Opferwilligkeit und unbegrenzte Wohltätigkeit — Produkte der kaum irgendwo

Die Gaststätte „Gaulstall" existierte schon zu Jakob Wassermanns Zeit, der mit seinen Eltern mehrere Jahre in diesem Haus direkt über der Gaststätte wohnte.

am Bahnhofplatz ist eine Schenkung von Königswarter und Morgenstern.

Bei der Judenemanzipation spielte Fürth in Bayern eine Vorreiterrolle: In Fürth wurde 1843 mit Dr. Grünsfeld nicht nur der erste jüdische Rechtsanwalt zugelassen, auch der erste jüdische Landtagsabgeordnete, ein Dr. Morgenstern, sowie der erste jüdische Schulrektor und der erste jüdische Richter des bayerischen Königreichs lebten in Fürth.

Im 19. und 20. Jahrhundert sind aus der Fürther Judenschaft zahlreiche bekannte Personen hervorgegangen, so beispielsweise der Verleger Leopold Ullstein, der Schriftsteller Jakob Wassermann und mit dem 1923 geborenen Henry Kissinger sogar ein US-Außenminister, der bis heute die Ergebnisse „seines" Fürther Fußballvereins mit Interesse verfolgt.

Jakob Wassermann — einer der meistgelesenen Schriftsteller seiner Zeit — erinnerte sich in „Mein Weg als Jude und Deutscher": „Genau betrachtet, war man Jude nur dem Namen nach und durch die Feindseligkeit, Fremdheit und Ablehnung der christlichen Umwelt, die sich hierzu auch nur auf ein Wort, eine Phrase, auf falschen Tatbestand stützte."

Mehrere Jahre lang lebte Wassermann mit seinen Eltern im ersten Stock über einer Gaststätte, dem noch heute existierenden „Gaulstall" in der Blumenstraße. Inmitten eines Arbeiterviertels aufgewachsen, war er von Kindesbeinen an mit den Schattenseiten der industriellen Revolution konfrontiert. Später charakterisierte er Fürth als eine „gartenlose Stadt des Rußes, der tausend Schlöte, des Maschinen- und Hammergestampfs, der Bierwirtschaften, der verbissenen Betriebs- und Erwerbsgier, des Dichtbeieinander kleiner und kleinlicher Leute, der Luft der Armut ..."

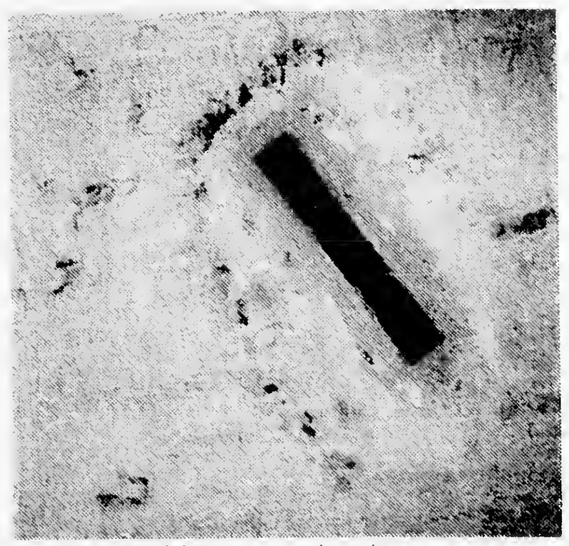
Über tausend Steine

Am eindrucksvollsten zeugt der 1607 angelegte, alte jüdische Friedhof von der Größe der jüdischen Gemeinde. Da bei den Juden keine Exhumierung praktiziert wird, sind trotz nationalsozialistischer Schändung noch über 1000 Grabsteine erhalten. Bis 1906 begrub die jüdische Gemeinde hier ihre Toten. Der Friedhof ist übrigens auch in die Literaturgeschichte eingegangen: Lion Feuchtwangers Romanheld „Jud Süß" Oppenheimer findet seine letzte Ruhestätte auf dem Fürther Judenfriedhof.

Ein Besuch des Friedhofs ist nur im Rahmen einer Führung möglich. Wer will, kann mit einem Blick über die Sandsteinmauer vorliebnehmen. Dies ist an zwei Stellen möglich: Am Eingangstor in der Schlehengasse und an der Ecke zwischen der Bogen- und der Weiherstraße. Von der Schlehengasse aus läßt sich auch ein Eindruck von den Zerstörungstaten der Nationalsozialisten gewinnen.

Löschteich im Friedhof

Mitten im Friedhof, dort, wo heute eine freie Wiese zu sehen ist, legten die Nazis während des Krieges überflüssigerweise einen Löschteich an —



Hier war eine Mesusa angebracht.
Fotos: Nestmeyer

die Rednitz ist nur wenige Meter entfernt! — und beseitigten die „störenden" Grabsteine. Ein Teil der Grabsteine wurde zum Bahnhof transportiert um in „Heldengedenksteine" umgearbeitet zu werden; dazu kam es glücklicherweise nicht, sie konnten nach Kriegsende zurückgeführt werden.

Wie in anderen deutschen Städten so machten die Nationalsozialisten auch in Fürth jegliches Gemeindeleben unmöglich: Am 9. November 1938 brannte neben mehreren anderen Häusern auch die Hauptsynagoge. Von den rund 2000 Fürther Juden gingen drei Viertel in die Emigration, darunter auch die Eltern von Henry Kissinger.

An die Schrecken der nationalsozialistischen Vergangenheit erinnert seit 1986 der Synagogengedenkstein des in Fürth lebenden japanischen Künstlers Kunihiko Kato in der Geleitsgasse, wo sich der jüdische „Schulhof" — die Synagoge wird im jiddischen „Schul" genannt —, das geistige Zentrum der jüdischen Gemeinde, befand

Die legendäre Laufmaschine des Freiherrn von Drais.

Foto: Schuster

Ja, mir san mim Radl da

Von der Draisine bis zum Mountainbike

Erstmals bewies der französische Graf de Sivrac vor rund zweihundert Jahren im Schloßgarten des Palais Royal, daß es möglich war, sich auf zwei Rädern zu bewegen, ohne umzufallen. Er baute eine Art Schaukelpferd auf zwei Rädern und schob sich mit den Beinen vorwärts.

Besser sah die Laufmaschine des Forstmeisters Carl Freiherr von Drais aus, die er 1815 in Wien vorführte. Für die schlechten Straßenverhältnisse von damals war das französische Gefährt zu schwerfällig. Der im Großherzogtum Baden lebende Tüftler hatte ein leichteres Vehikel gebaut, mit dem er „genau so schnell wie ein Pferd im Galopp" werden wollte.

Tatsächlich schaffte sein lenkbares Zweirad anfangs 12 Kilometer pro Stunde, wenn er sich kräftig ins Zeug legte. Der Brockhaus schrieb: „Die Fortbewegung erfolgte, indem der Fahrende seine Füße abwechselnd gegen die Erde stieß." Drais erhielt für seine „Draisine" 1818 das Patent und gilt seither allgemein als der Erfinder des Fahrrads.

Die Kurbel kommt

1853 brachte der Schweinfurter Instrumentenmacher Philipp Moritz Fischer ans Vorderrad der Draisine eine Tretkurbel an. Die Idee griffen die französischen Mechaniker Pierre und Ernest Michaux auf und führten ihr Tretkurbelrad, „bei dem die Füße des Fahrers den Boden nicht mehr berührten" 1867 während der Weltausstellung in Paris vor.

In der Folgezeit entstanden jene kuriosen Hochräder, die zu erklimmen allein schon eine sportliche Leistung bedeutete. Noch schwieriger war das Absteigen, denn es gab keine richtigen Bremsen. Selbst bei verlangsamter Fahrt blieb es dem Einfallsreichtum des Besitzers überlassen, sein Gefährt zum Stehen zu bringen.

John Starley, der Neffe eines englischen Hochradfabrikanten, entwarf 1880 ein Modell mit fast gleichgroßen Rädern. Das Besondere daran war eine Antriebskette, die die Pedalumdrehung auf das Hinterrad übertrug und dabei die Geschwindigkeit auf das Dreifache „übersetzte". Das sprach sich auch in Deutschland herum, wo mehrere Firmen ihr Interesse am „Bicicle" (Zweirad) bekundeten. Zu seiner Beliebtheit trug bei, daß John Boyd Dunlop 1888 für die Räder Gummischläuche erfand, die „einfach mit Luft vollgepumpt werden, sich fest an die Felgen pressen und den Radfahrern ein neues Fahrgefühl vermitteln". (Berliner Illustrierte)

Viktoria und Teutonia

Im letzten Jahrzehnt des vorigen Jahrhundets sah das Fahrrad rein äußerlich fast so aus, wie heutige Nostalgiefahrräder. Damals hießen sie „Adler", „Viktoria" oder „Teutonia" und rollten bald dickbereift, schwarz und robust durch die Städte und über Land, ohne sich den Rang vom Automobil streitg machen zu lassen.

Skandalös war für manche, daß sich auch Damen in den Sattel schwangen, nicht in züchtiger seitlicher Sitzhaltung, wie man das vom Pferdesattel her gewohnt war, sondern frontal, das Straßengetümmel fest im Auge, den Sattel zwischen den Schenkeln. Schenkt man einem Bild des französischen Malers Jean Berand Glauben, dann fuhren die besonders modischen Mademoiselles im „Bois de Boulogne" (Titel seines Bildes) in aufregenden weißen oder schwarzen Pluderhosen umher und setzten sich gar allein an die Tische der Gartenlokale.

1903 erfand Ernst Sachs die Rücktrittbremse, und zwei Jahre später entwickelten Fichtel & Sachs eine Nabe, welche Gangschaltung, Freilauf und Rücktrittbremse vereinte und unter dem Namen „Torpedo" ihren Siegeszug durch die ganze Welt antrat.

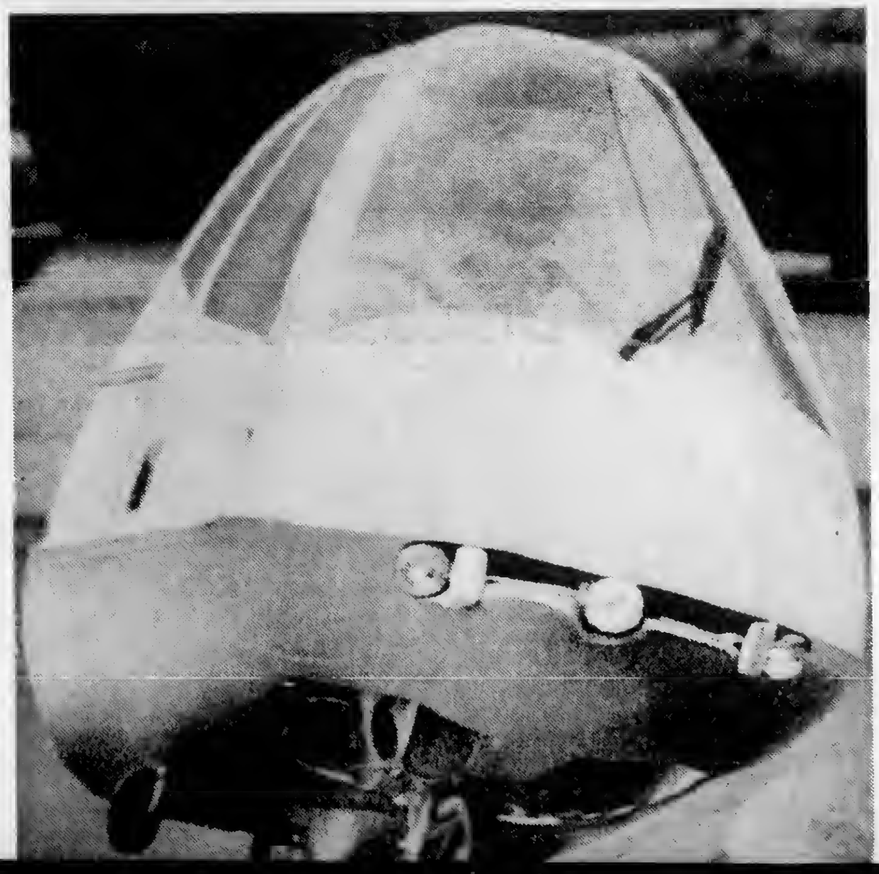
Eine Vielzahl von Signalhörnern, Hupen und Glocken half dem Radfahrer, sich bemerkbar zu machen. Eine davon, die „Arabische Lärmglocke", war über einen Zugkontakt mit dem Vorderrad verbunden und rasselte 1500 Anschläge pro Minute herunter, was offenbar auch nötig war, denn inzwischen drängten sich auf den engen, holprig gepflasterten Straßen neben Ochsenkarren und Pferdefuhrwerken immer mehr Autos und Motorräder.

Zwei Fahrer, drei Räder

In jener Zeit bauten einige Firmen schon Dreiräder, die auch älteren und weniger mutigen Menschen das Radeln ermöglichten. Der Sattel der Triciclets lag in der Regel zwischen den großen Hinterrädern. Ein kleines Vorderrad verlieh dem Vehikel genau die Stabilität und Lenkbarkeit, die dem Zweirad auf den ersten Blick fehlten. Richtig gemütlich saßen die Fahrer aber erst auf den „Sociables", den Fahrradkonstruktionen mit zwei Sitzen nebeneinander. Ältere Herrschaften, aber auch jung Verliebte traten dabei mit vereinter Kraft in die Pedale.

Im Laufe der Zeit entstanden eine ganze Reihe weiterer, spezieller Fahrradtypen, angefangen vom Tandem bis zu Fahrzeugen für die Feuerwehr, die Polizei, für Krankentransporte und

Das Segelrad wird bei gutem Rückenwind 110 Stundenkilometer schnell.



Die legendäre Laufmaschine des Freiherrn von Drais. Foto: Schuster

Ja, mir san mim Radl da

Von der Draisine bis zum Mountainbike

Erstmals bewies der französische Graf de Sivrac vor rund zweihundert Jahren im Schloßgarten des Palais Royal, daß es möglich war, sich auf zwei Rädern zu bewegen, ohne umzufallen. Er baute eine Art Schaukelpferd auf zwei Rädern und schob sich mit den Beinen vorwärts.

Besser sah die Laufmaschine des Forstmeisters Carl Freiherr von Drais aus, die er 1815 in Wien vorführte. Für die schlechten Straßenverhältnisse von damals war das französische Gefährt zu schwerfällig. Der im Großherzogtum Baden lebende Tüftler hatte ein leichteres Vehikel gebaut, mit dem er „genau so schnell wie ein Pferd im Galopp" werden wollte.

Tatsächlich schaffte sein lenkbares Zweirad anfangs 12 Kilometer pro Stunde, wenn er sich kräftig ins Zeug legte. Der Brockhaus schrieb: „Die Fortbewegung erfolgte, indem der Fahrende seine Füße abwechselnd gegen die Erde stieß." Drais erhielt für seine „Draisine" 1818 das Patent und gilt seither allgemein als der Erfinder des Fahrrads.

Die Kurbel kommt

1853 brachte der Schweinfurter Instrumentenmacher Philipp Moritz Fischer ans Vorderrad der Draisine eine Tretkurbel an. Die Idee griffen die französischen Mechaniker Pierre und Ernest Michaux auf und führten ihr Tretkurbelrad, „bei dem die Füße des Fahrers den Boden nicht mehr berührten" 1867 während der Weltausstellung in Paris vor.

In der Folgezeit entstanden jene kuriosen Hochräder, die zu erklimmen allein schon eine sportliche Leistung bedeutete. Noch schwieriger war das Absteigen, denn es gab keine richtigen Bremsen. Selbst bei verlangsamter Fahrt blieb es dem Einfallsreichtum des Besitzers überlassen, sein Gefährt zum Stehen zu bringen.

John Starley, der Neffe eines englischen Hochradfabrikanten, entwarf 1880 ein Modell mit fast gleichgroßen Rädern. Das Besondere daran war eine Antriebskette, die die Pedalumdrehung auf das Hinterrad übertrug und dabei die Geschwindigkeit auf das Dreifache „übersetzte". Das sprach sich auch in Deutschland herum, wo mehrere Firmen ihr Interesse am „Biciclet" (Zweirad) bekundeten. Zu seiner Beliebtheit trug bei, daß John Boyd Dunlop 1888 für die Räder Gummischläuche erfand, die „einfach mit Luft vollgepumpt werden, sich fest an die Felgen pressen und den Radfahrern ein neues Fahrgefühl vermitteln". (Berliner Illustrierte)

Viktoria und Teutonia

Im letzten Jahrzehnt des vorigen Jahrhundets sah das Fahrrad rein äußerlich fast so aus, wie heutige Nostalgiefahrräder. Damals hießen sie „Adler", „Viktoria" oder „Teutonia" und rollten bald dickbereift, schwarz und robust durch die Städte und über Land, ohne sich den Rang vom Automobil streitg machen zu lassen.

Skandalös war für manche, daß sich auch Damen in den Sattel schwangen, nicht in züchtiger seitlicher Sitzhaltung, wie man das vom Pferdesattel her gewohnt war, sondern frontal, das Straßengetümmel fest im Auge, den Sattel zwischen den Schenkeln. Schenkt man einem Bild des französischen Malers Jean Berand Glauben, dann fuhren die besonders modischen Mademoiselles im „Bois de Boulogne" (Titel seines Bildes) in aufregenden weißen oder schwarzen Pluderhosen umher und setzten sich gar allein an die Tische der Gartenlokale.

1903 erfand Ernst Sachs die Rücktrittbremse, und zwei Jahre später entwickelten Fichtel & Sachs eine Nabe, welche Gangschaltung, Freilauf und Rücktrittbremse vereinte und unter dem Namen „Torpedo" ihren Siegeszug durch die ganze Welt antrat.

Eine Vielzahl von Signalhörnern, Hupen und Glocken half dem Radfahrer, sich bemerkbar zu machen. Eine davon, die „Arabische Lärmglocke", war über einen Zugkontakt mit dem Vorderrad verbunden und rasselte 1500 Anschläge pro Minute herunter, was offenbar auch nötig war, denn inzwischen drängten sich auf den engen, holprig gepflasterten Straßen neben Ochsenkarren und Pferdefuhrwerken immer mehr Autos und Motorräder.

Zwei Fahrer, drei Räder

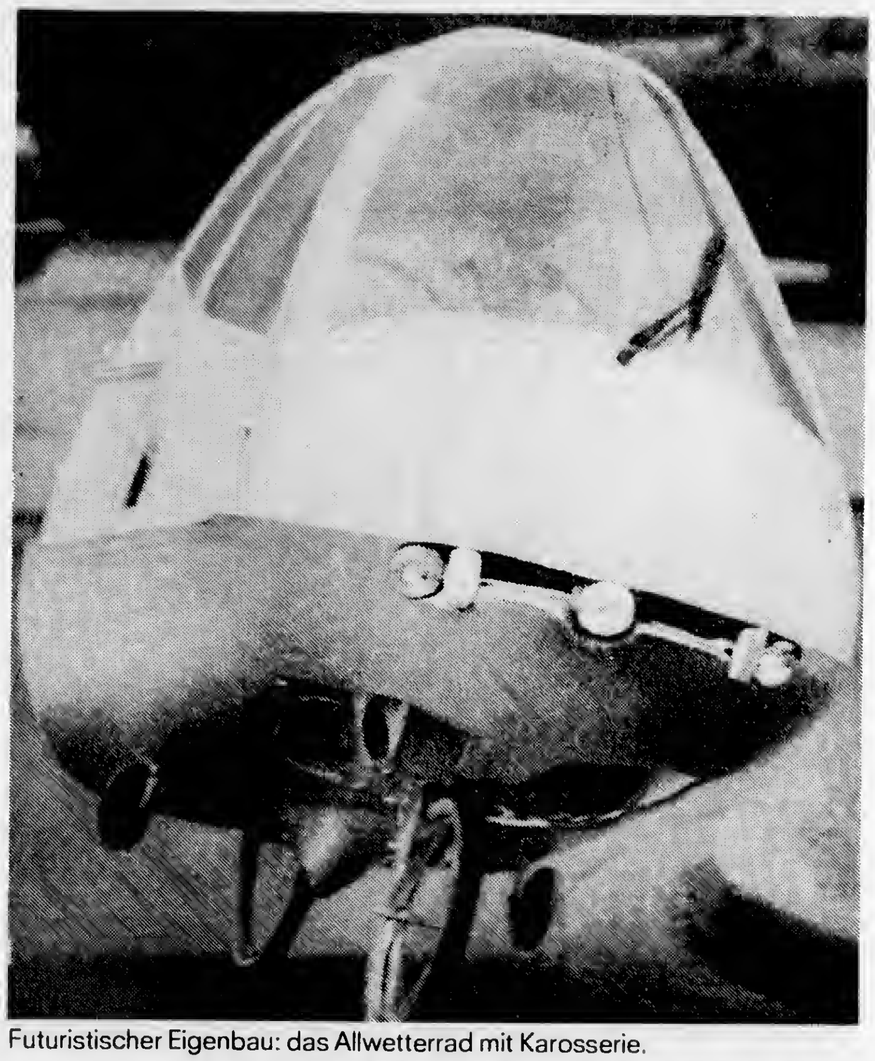
In jener Zeit bauten einige Firmen schon Dreiräder, die auch älteren und weniger mutigen Menschen das Radeln ermöglichten. Der Sattel der Triciclets lag in der Regel zwischen den großen Hinterrädern. Ein kleines Vorderrad verlich dem Vehikel genau die Stabilität und Lenkbarkeit, die dem Zweirad auf den ersten Blick fehlten. Richtig gemütlich saßen die Fahrer aber erst auf den „Sociables", den Fahrradkonstruktionen mit zwei Sitzen nebeneinander. Ältere Herrschaften, aber auch jung Verliebte traten dabei mit vereinter Kraft in die Pedale.

Im Laufe der Zeit entstanden eine ganze Reihe weiterer, spezieller Fahrradtypen, angefangen vom Tandem bis zu Fahrzeugen für die Feuerwehr, die Polizei, für Krankentransporte und Postboten.

Diese Tendenz setzt sich heute fort. Fahrräder sind Modeartikel ersten Ranges und gleichzeitig High-Tech-Geräte. Sie rollen hydraulisch gefedert, 24-gängig, futuristisch gestylt als Mountainbike mit Alu- oder Karbonrahmen über Stock und Stein.

Jürgen Schuster

Das Segelrad wird bei gutem Rückenwind 110 Stundenkilometer schnell.



Futuristischer Eigenbau: das Allwetterrad mit Karosserie.

So schick radelten die Damen 1899 in Zürich. Foto: Schuster

Das Janus-Tandem fährt in nur eine Richtung, obwohl der eine nach rechts und der andere nach links kurbelt. Eine raffinierte Kettenführung macht es möglich. Trotzdem möchte man nicht hinten sitzen müssen . . . Fotos: Archiv

The building was heavily damaged on *Kristallnacht* and after its relegation to various uses, in 1980, concerned local citizens created the *Freudenthal Patronage and Support Society* specifically to preserve the former synagogue and - despite there being no Jewish community to use it - to put the building to meaningful use. Since the **FORMER FREUDENTHAL SYNAGOGUE PEDAGOGIC AND CULTURAL CENTER** was established in 1985 in the restored building, it has become an important regional center, library and archive used for lectures, seminars, courses and conferences on National Socialism, anti-Semitism, and the history of the Jews of Freudenthal. The center is at Strombergstrasse 19, tel: (49)7143-24151.

FÜRTH

The Jewish experience in Fürth was special, perhaps unique in Germany. From the 16th century onward, Fürth had no ghetto. By the 18th century, Fürth Jews enjoyed privileges unique for a German city: no restrictions on building synagogues, Jews could move to Fürth without needing permission, and two Jews sat on the city council. Indeed, Jews founded Fürth's first hospital in 1653, Germany's first Jewish orphanage in 1763, and the **STADT-THEATER** (CITY THEATER), on Königsallee, was started by Jews. One of the most famous nineteenth-century Fürth émigrés was Julius Ochs, whose son, Adolph, would transform the foundering *New York Times* into the greatest newspaper in America. The most prominent Fürth native of the 20th century is Henry Kissinger. Fürth's beautifully restored **SYNAGOGUE** (the only one of seven Fürth synagogues to survive Hitler) is at the site of Germany's first Jewish orphanage. The **JEWISH COMMUNITY CENTER** is nearby. The Kissingers lived at Mathildenstrasse 23 and, across the street on Theaterstrasse is the former Jewish hospital that functioned until 1942 and is now an apartment building. Before World War II, Geleitsgasse was a center of Jewish activity, including four synagogues and a *mikve*. A modern **MEMORIAL TO THE JEWISH COMMUNITY** stands today in the open Geleitsgasse Square, just off Königstrasse. At Königstrasse 89, a house occupied by the same Jewish family from 1600 to 1880, archaeologists have found a MIKVE thirty feet below ground. The building also houses the **JEWISH MUSEUM OF FRANCONIA**, opened in 1998: www.juedisches-museum.de, tel: (49)911-77-05-77. The **OLD JEWISH CEMETERY**, on Schlehenstrasse, is one of the largest, oldest and best preserved in Germany. The first burial took place in 1607. The city of Fürth has published an attractive brochure, available at City Hall and Fürth tourist information centers on "The Jews of Fürth." It includes an excellent **TOWN TRAIL** walking tour to sites of Jewish interest.

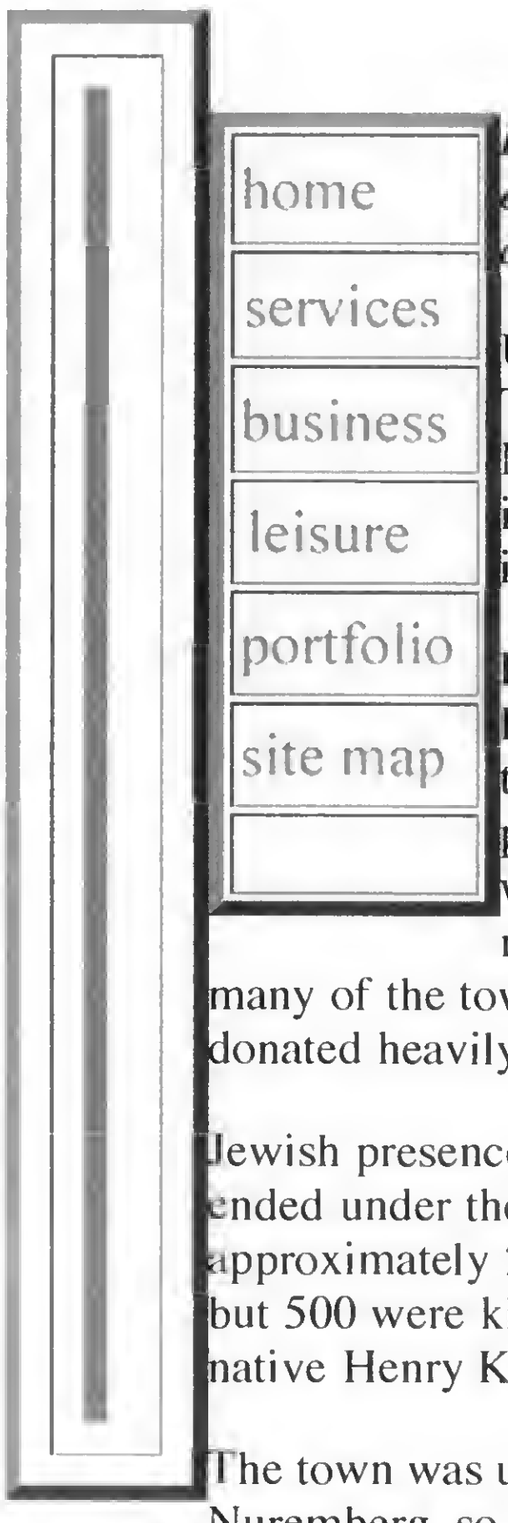
FÜRTH SYNAGOGUE, Hallemannstrasse 2
JEWISH COMMUNITY CENTER, Blumenstrasse 31.
Tel: (49)911-770879
www.fuerth.de

Freelance News Service

FNS

The Environs of Nuremberg

by William Cracraft



If getting off the beaten track appeals to you, there are three easy ways to see the Nuremberg environs: underground, bike and car.

U-Bahn

The Unterbahn, or subway, has four entrances in downtown Nuremberg, the route map is clear and color coded and Fürth is only 15 minutes away. Costs about $3 round trip, impossible to screw up, much different feel than Nuremberg.

Fürth was once presented to the Bishop of Bamberg by the Holy Roman Emperor Heinrich II in 1007, but townspeople take pride that for centuries, Jews, at best tolerated in other parts of Europe, were treated with equality in Fürth. Jews were not restricted to a neighborhood and had voting representatives in the town's administration. Jews founded many of the town's health and social institutions, installed fountains and donated heavily to build the beautiful neo-Classical Fürth Theatre.

Jewish presence was drastically curtailed by law in the 1830s and virtually ended under the National Socialist fervor of the 1930s. Of the approximately 2000 Jews in Fürth in 1933, 1500 were allowed to emigrate, but 500 were killed. One of the immigrants to the United States was Fürth native Henry Kissinger, later U.S. Secretary of State.

The town was untouched by World War Two bombing which racked Nuremberg, so has streets lined with beautiful old buildings and plazas set with unique ancient and modern fountains. Three English-language tour maps are available, including a great walking tour past an assortment of carved stone buildings, lush parks and running fountains.

It is an easy day's stroll around the business district, city park and neighborhoods. The city park has a great little café serving simple, hearty meals and where a cup of tea rents a table for the afternoon.

Bike

If you don't mind a little exercise, an afternoon bike trip is a great, inexpensive way to see the countryside. Drivers are relatively quite courteous, stoplights feature "bike lights" along side pedestrian signs, and there are many miles of bike paths running through town and country.

Summertime in Germany is like the United States' Midwest. It can be sunny and warm, muggy, overcast or rainy, but rain comes in showers and bridges and tree canopies are common. Bring apples.

A half hour easy pedaling from Nuremberg will bring you to tiny Kraftshof, home of St. George's Church. The Kraftshof main street smacks of country life, running past gardens overrun with summer blossoms, yards filled with farm equipment and a restaurant and a café. The little town is surrounded by tilled fields, workers a distant speck alongside their tractors.

The main road doglegs through the middle of town and at that bend stands a gate to history. St. George's Church (St. Georgskirche) has withstood the ravages of time, battle, religious reformation, fire and occupation. It is a symphony in stone, a testament to God, war, endurance and death.

The church itself is a nearly a museum and includes a 1490 altar featuring St. George and the Dragon. Dedicated in 1315, the churchyard has an eight-foot wall and five stubby fortified towers. A family called Kress has maintained the church since 1438 and the churchyard is the family's private burial ground.

Of the many Kress memorials in the yard, the largest features the family crest, including a crowned head clenching a sword in its teeth, above a sarcophagus listing a nine males killed during the Franco-Prussian war of 1870-71, and World Wars I and II. The church was bombed in 1943 during World War II, but has been completely restored by the Kress Endowment of New York and is in use today as a place of worship.

If churches make you hungry (or thirsty), there are two restaurants a rod or two from the church gate. Left is the pricey-but-worth-it Schwarzer Adler(Black Eagle), right, the solid fare of Alte Post(Old Post Office). If you want food on the fly, beware. Bakeries and meat shops (Bäkerei und Metzger), often close at lunch, so buy early or eat late.

From Kraftshof, twenty minutes' pedaling takes riders to Chateau Neunhof, a square, latticed five-story summer home built by a patrician family from Nuremberg. Notable features include a moat with a neatly trimmed lawn at the bottom and a flying watercloset hanging 40 feet above said moat.

The chateau, owned by the German National Museum, is open summer weekends, but the gardens alone are worth a weekday visit. Neatly laid out and coordinated flower beds broken by squares of grass and gravel walkways are peopled by troll-like statues. Looked real nice, kind of quiet, with just a couple of grandma's with strollers for company.

Auto

Beyond leg power, and if you don't mind the expense of a car, Germany is quite nice for motoring. Driving is on the correct side, most drivers are courteous and there are nice spots within an hour's drive of Nuremberg.

The countryside around Nuremberg, typically Bavarian, is verdant, rolling farmland dotted with villages, each with some unique trait. Fifty minutes north-west of

Nuremberg is Würgau, home of Hartmann's, a family-owned 450-year-old microbrewery, restaurant and inn, where the owner, descended from the founders, visits every table at dinner.

In *this* establishment, the food, full-flavored and plentiful, accompanies the award-winning Edelpils and Felsentrunk beers. With it's nine bedrooms, Hartmann's covers food, drink and sleep, or essen, trinken und schlafen. Truly a free-standing vacation spot.

Beyond food and drink, romance abounds in Bavaria. There is a real bishop's palace called Seehof, near Bamberg. Perched at the top of a low hill, the imposing building is something between a palace and a castle. It was built by the prince-bishop Marquard Schenk von Stauffenberg in 1690.

Instead of protecting a bishop and providing a sumptuous setting for his summer hunts, the great stone building now houses the museum offices for protection of regional monuments and hosts classical concerts in the summer. Worth-the-visit item: an exceptionally large and ornate fountain running down a hillside featuring several life-sized figures.

Another nearby is called Greifenstein, built in 1172 and a von Stauffenberg possession since 1690 (another von Stauffenberg made history 250 years later when, having lost an eye and an arm in battle, he placed a bomb that very nearly killed Hitler on July 20, 1944). This rocky bulldog on a peak is a personal-size building. Used as a family residence, it could be defended by a score of men. Word is it houses a great collection of furniture and armor from various centuries, but what didn't get passed on is the castle is closed between noon and 3 p.m., so plan accordingly. There is an adjacent restaurant, but its quality is unknown.

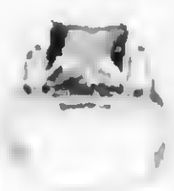
Fans of Wagner know his home is Bayreuth, about 70 minutes from Nuremberg by auto. Visits to the town are easy, but it is almost impossible to get tickets for the opera festival unless you make reservations years in advance. Besides, as one Bavarian put it, "For a lot of money you are allowed to suffer on hard wooden seats without pillows."

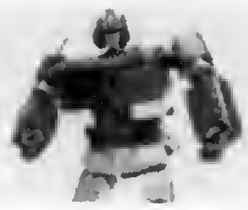
From drunken troll statues to fortified churches to courtyards overgrown with flowers, Nuremberg countryside offers myriad sights for day trips and evening junkets. The Germans really know how to cook, they take great pride in their beer, appreciate good manners and the dollar is still strong.

Top of Page

Back

THIS HOLIDAY
SELL IT ON eBay


Jewelry


Toys

Electronics

Sports

[SELL NOW]

World & News
United States
History & Gov't
Biography
Sports
Arts & Ent.
Business
Society & Culture
Health & Science
Homework Center

Fact Monster
Kid's reference, games, quizzes

Daily Almanac »
Syndication
This Day in History
Today's Birthday
Word of the Day

Editor's Favorites
Winter Holidays
American Indian Heritage Month
Feature Archive
Winter Solstice
Election 2004
Timelines
Olympics Archive

Infoplease Tools
Periodic Table
Conversion Tool
Perpetual Calendar
Year by Year

Help | Site Map

Career Center
Job Search
Post Your Resume
Continuing Ed.
more . .

History

First mentioned in 1050, Nuremberg received a charter in 1219 and was made a free imperial city by the end of the 13th cent. The city was independent of the burgraviate of Nuremberg, which included a large part of Franconia and which came (1192) under the control of the Hohenzollern family. Nuremberg soon became, with Augsburg, one of the two great trade centers on the route from Italy to N Europe.

The cultural flowering of Nuremberg in the 15th and 16th cent. made it the center of the German Renaissance. Among the artists who were born or lived there, the painter and printmaker Albrecht Dürer was the greatest; others, such as the sculptors Adam Kraft, Veit Stoss, and Peter Vischer, and the painter and woodcarver Michael Wolgemut, adorned the city with their works, which brought together the Italian Renaissance and the German Gothic traditions. The city was also an early center of humanism, science, printing, and mechanical invention. The scholars W. Pirkheimer and C. Celtes lectured in the city, A. Koberger set up a printing press and Regiomontanus an observatory, and the first pocket watches, known as Nuremberg eggs, were made there c.1500. An interest in culture on the part of the prosperous artisan class found expression in the contests of the meistersingers (mastersingers), among whom the shoemaker-poet Hans Sachs (1494–1576) was the most prominent.

In 1525, Nuremberg accepted the Reformation, and the religious Peace of Nuremberg, by which the Lutherans gained important concessions, was signed there (1532). In the Thirty Years War, Gustavus II was besieged (1632) in Nuremberg by Wallenstein. The city declined after the war and recovered its importance only in the 19th cent., when it grew as an industrial center. In 1806, Nuremberg passed to Bavaria. The first German railroad, from Nuremberg to nearby Fürth, was opened in 1835.

After Adolf Hitler came to power, Nuremberg was made a national shrine by the National Socialists (Nazis), who held their annual party congresses nearby from 1933 through 1938. The city was the home of the Nazi leader Julius Streicher and became a center of anti-Semitic propaganda. At the party congress of 1935 the so-called Nuremberg Laws were promulgated; they deprived German Jews of civic rights, forbade intermarriage between Jews and non-Jews, and deprived persons of partly Jewish descent of certain rights. Until 1945, Nuremberg was the site of roughly half the total German production of airplane, submarine, and tank engines; as a consequence, the city was heavily bombed by the Allies during World War II and was largely destroyed. After the war, Nuremberg was the seat of the

Ads by Goooooogle

Germany Hotels
Hotel Photos, Info & Virtual Tours Find the Hotel You Want at Expedia!
www.Expedia.com

15 Hotels in Nuremberg
Book your hotel in Nuremberg online Check out all the special deals!
book-a-hotel-in-nuremberg.com

amazon.com
Shop Now! Save on New & Used Books!

HomeSchooler Network
FIND OVER 5,000:
•Innovative Lessons
•Fun Activities
•Inspiring Articles

Travel Insurance

London hotels | Airport Parking | Airport Hotels |

**Notice: Most of the pictures are thumbnails.
Click on them to enlarge the pictures**

7 Deportations

In all European countries occupied by the German armed forces, and in the countries allied with Germany, the same tragedy repeated itself. It always began with Jews being listed and registered, marked and deprived of their rights, and ended with their transport to extermination camps. The deportations began in Germany and Poland at the end of 1941, were extended in the early summer to western Europe, and culminated two years later with the deportation and murder of the Hungarian Jews.

Everything was governed by regulations and went according to a precise plan. Each household received written instructions as to what and how much a person was permitted to take along: one backpack with provisions, mess kit and spoon, no knives or scissors, two blankets, sheets, warm clothing and heavy shoes -- maximum total weight 25 kilograms. Valuables had to be turned in, additional property registered, house keys surrendered. A truck was already waiting on the street to drive the Jews to an assembly camp or directly to the railway station. At the loading ramp stood a train with 20 freight cars, their ventilation windows nailed shut with barbed wire, and two passenger cars for the guard detail. Each transport held 1000 persons. The trains left several times a week from railway stations all over Europe: from Berlin and Warsaw, Amsterdam and Paris, Prague and Budapest, Oslo and Athens. The frequently lasted several days and nights. Worn out from lack of sleep, dirty, thirsty, and desperate, the deportees were carried toward unknown destinations whose names are today familiar to the entire world.

Initially, people complied with the order to report with their baggage for "resettlement." To deceive them, they were told they would be sent to Poland to work. After the first rumors leaked from the camps, many younger people tried to go into hiding. The suicide rate increased among the sick and elderly. Any who did not report voluntarily to the collecting point were fetched by the police. To fill the trains, entire city districts were combed through during roundups.

These manhunts were organized by the Reich Security Main Office. The Reich Transportation Ministry, with the German Reichsbahn under its jurisdiction, furnished the trains and arranged the schedules. Willing helpers were found nearly everywhere, in Germany as well as in the occupied countries.

Wherever diplomatic considerations remained essential and appearances had to be preserved, the Foreign Ministry handled negotiations. Some countries that had initially adopted German-style anti-Semitic legislation subsequently either refused to yield to German pressure, or did so only hesitantly. Often they merely handed over foreign and stateless Jews who had entered the country as they fled from the German armies. But for the great majority of Jews in occupied Europe, there was no escape.

1 The Guidelines

Aktion Reinhard Economics

Last Update 28 October 2004

On 5 January 1944, Odilo Globocnik wrote to **Heinrich Himmler** from **Trieste**, setting out details of the economic plunder of *Aktion Reinhard*. It followed an earlier report that **Globocnik** had submitted on 4 November 1943. In fine detail, **Globocnik** calculated the gross yield to Germany of the murder of some 2 million Jews at a sum in excess of 178 million *Reichsmark*, then equal to US$71 million. The equivalent value today (2004) would be approximately US$760 million. Impressive though this figure is, it represents no more than a fraction of the true extent of the larceny involved.

In the second of his letters, **Globocnik** was at pains to stress the accuracy of his bookkeeping, since "a certain odium still rests upon me to the effect that in all economic matters I do not maintain the necessary order." **Globocnik** was right to be concerned; after all, he had been dismissed as *Gauleiter* of **Vienna** in January 1939 because of illegal currency dealings. Doubtless, his reputation went before him, and he could hardly have been comforted by the web of corruption within the SS revealed by the investigations of SS Judge **Konrad Morgen** in 1943. Yet could **Himmler** have really believed that **Globocnik**'s financial statements were accurate? On **Globocnik**'s own admission, "What is remarkable about the accounting is that no hard and fast basis for the amount collected existed, as the collection of the assets was carried out under orders and only the decency and honesty, as well as the surveillance, of the SS men used for this purpose could guarantee a complete delivery." In other words, a financial free-for-all had prevailed. There was no real supervision in place, no adequate system of checking and controlling the vast sums involved. But this was hardly surprising. An ideology based upon theft and murder produces thieves and murderers, and whilst economic considerations were never allowed to override the racial imperative, the two went hand-in-hand in the National Socialist state.

Theft, larceny and extortion could be characterised at two levels – the governmental, "legal" in the sense that any act of government can be legalised, and personal, "legal" in that it was authorised (sometimes tacitly) by government and "illegal", as practised by countless thousands of German civilians, members of the armed forces, SS and police. And, as the opportunity arose, by many citizens of the countries occupied by, or allied to, Germany.

Although it can be said that *Aktion Reinhard* entered its main extermination phase with the commencement of killing operations at **Belzec** in March 1942, and concluded with "*Aktion Erntefest*" in November 1943, the periods preceding commencement and following conclusion are important for an understanding of the economic development and importance of Nazi economic policy. In turn, it is necessary to examine the way in which these policies were formulated, and for that a brief overview of the methods adopted in the *Reich* and the manner in which these were varied in the occupied territories is required.

The template for the economic exploitation and expropriation of Jewish property was laid down in the early stages of the Third *Reich*'s existence. "The Law for the Reestablishment of the Professional Civil Service" was enacted by decree on 7 April 1933, little more than two months after the Nazi's seizure of power. At a stroke, all "non-Aryan" members of the civil service were compelled to retire. It was the first in a series of such decrees. Over the coming months and years, Jews were barred from practising law and medicine, dismissed from the armed forces, prohibited from engaging in journalism and from the arts. No profession was left open to them. Employers in every kind of undertaking were encouraged to dismiss their Jewish workforce. The conditions of dismissal for employees became steadily worse, and the later a Jew was removed, the less his compensation or pension. Ultimately, it became very difficult for Jews to remain in

any kind of employment.

On 14 June 1938, the Ministry of the Interior published a decree defining a "Jewish enterprise". This was the initial move in the compulsory transfer of Jewish businesses into German hands. Previously, a Jewish business could be either liquidated, and disappear, or be "Aryanized", and purchased by Germans. "Aryanization" was in turn either voluntary (until November 1938), or thereafter, compulsory. The term "voluntary" was a misnomer, since there was no open market negotiation of a business' value. Jewish enterprises were purchased at heavily discounted prices, encouraged by a series of government measures calculated to drive values down. The introduction of compulsory "Aryanization" was effected through "trustees", appointed by the Ministry of Economics. In many cases, virtually no compensation was paid for the acquisition of Jewish assets. The city of **Fürth**, for example, obtained 100,000 *Reichsmark* of Jewish communal property for 100 *Reichsmark*. The process was simple; the "trustee" paid as little as possible and sold on to a German buyer for as much as possible. The difference went to the *Reich*, at least in theory. In practice, German purchasers were reluctant to pay the real market value of Jewish enterprises, and it became necessary for the government to introduce an "equalization" tax in order to collect their share of the spoils. In general, the purchaser of a Jewish business rarely paid more than 75% of its value and frequently paid less than 50%. The profit to the business sector from this state controlled theft can be calculated in billions of *Reichsmark*.

But the state had acquired little direct financial benefit from this policy. Its windfall was to come from a penal system of taxation. This comprised two property taxes – the so-called "*Reich* Flight Tax" and the so-called "Atonement Payment". The "*Reich* Flight Tax" had, in fact been in existence since December 1931, more than one year before **Hitler** attained power, and was intended to extract a proportion of the value of the assets of those emigrating from Germany. By combining their enthusiasm for the emigration of Jews with a lowering of the tax threshold, during their brief tenure in office, the Nazis obtained in the region of 900 million *Reichsmark* from Jewish emigrants.

The "Atonement Payment" arose in the wake of the assassination of **Ernst vom Rath** by **Herschel Grynszpan** and the subsequent *Reichskristallnacht* of 9-10 November 1938. The Jewish community were "fined" an amount which eventually amounted to 1.126 billion *Reichsmark* by way of reparation, payable in four instalments. The combined proceeds of the two taxes, an amount in excess of 2 billion *Reichsmark*, was an essential contribution towards an economy that was heading for meltdown because of excessive spending on armaments. The "Atonement Payment" also set the precedent for future German methods of extortion in the occupied countries.

By 1939, the remaining Jewish community of Germany, now half its former size because of emigration, was impoverished. Those Jews who were still in employment had their wages reduced and their taxes increased. What could be purchased with the little that was left to them was severely restricted by the imposition of rationing, as the Germany economy entered a war footing. Rations for Jews were fixed at a level lower than that of the general population. Together with a host of other restrictions, even the hours during which Jews were allowed to shop were limited.

The economic exploitation of the *Reich* Jews had maintained at least a façade of legality. With the invasion of Poland, that façade was stripped away. The Jewish community of Germany had significant amounts of capital, but were relatively few in number. In Poland, that position was precisely reversed. But that did not mean that the opportunity for theft was to be overlooked. It had taken six years to pauperise the Jews of Germany. The same result was achieved with Poland's Jews in a matter of weeks. Robbery of Polish Jews and looting of their property became the norm. In every town and village, Jews were forced to hand over not merely gold, currency and other valuables, but virtually anything consumable, including furniture and clothing. Even items such as birdcages, door handles and hot-water bottles were looted. Any excuse, or none at all, became the pretext for extortion. In the **Warsaw ghetto**, **Adam Czerniakow** wrote in his diary: "It is raining. Fortunately that does not involve charges on the community". **Czerniakow**'s irony is understandable; the Jews of **Warsaw** had already been forced to pay for the erection of the wall that imprisoned them. Often, hostages were taken to ensure payment of Nazi demands. One example among many will suffice: on Yom Kippur 1939, the Germans burnt

Description of Gisela Naomi Blume book on old Jewish Cemetery of Fuerth

The old Jewish Cemetery in Fürth was used for 300 hundred years. The first burial found was in November 1607; the last in April 1936. During that period there were approximately 20,000 burials. Today, approximately 6,300 tombstones still exist; the oldest still legible stone dates from 1654. The tombstones of the old Jewish cemetery reflect the history of the important Jewish community of Fürth, that had an outstanding role in the 17th and 18th century in Germany. Buried in the cemetery are major scholarly rabbis of international reputation such as Baermann Fraenkel (about 1670-1708) and Joseph Steinhart (1700-1776) as well as the important publishers, Jehuda Schneior (died 1713) and Isaak David Zirndorfer (1776-1855). Many of the names had a decisive impact on the economy, politics, public life and culture in Fürth and are still present through foundations or street names in the city, such as Alfred Nathan (1870-1922), donor of the Nathan Foundation and Honorary Citizen of the city Fürth. Fürth experienced in the 19th century a rapid economic upswing, representing the pencil manufacturer Leopold Illfelder (1809-1901), the banker Salomon Berolzheimer (1811-1886), the brewery owner Wilhelm Mailänder (1820-1871) as well as the mirror manufacturer and royal Bavarian Commercial agent Ludwig Bendit (1825-1908). The 400 page book richly illustrates *The old Jewish Cemetery in Fürth, 1607-2007. History -Discussion ~ Documentation* begins with introductory essays on the history of the cemetery, on the nature of Jewish burials, on the dead person-brotherhood (Chewra Kadischa) as well as on the Jewish calendar. In this section, a whole set of up to now publicly unknown plans are presented in pictorial representations and photos drawings first time. The second part of the book includes approximately 250 tombstones from the 17th to the 20th century with transcriptions and translations of the Hebrew inscriptions as well as biographical statements for the deceased.

Fromm notes that Being has become diminished, in part through the modern linguistic practice of using nouns in place of verbs (reification). One says, for example, "I have an idea" instead of saying "I think." At the extreme, the relationship of humans to each other and to the surrounding world collapses into a pathological equality, "I am = what I have and what I consume." (Emphasis in the original).[3] Roy de Souza, founder of the web site, Zebo.com, which collects and displays lists of everyday possessions owned by mostly young users, told the New York Times, "For the youth, you are what you own." He notes further, "They list these things because it defines them."[4] The potential addictive quality of this equality and its negative implications for sustainability should be obvious. In this latter form, our identity and self worth become conflated with all the material objects we acquire to provide satisfaction for our needs and solutions to all the "problems" of life. Life becomes Sisyphean; the realization of self is the rock we push uphill to reach the promised land only to have the material burdens it represents overcome us and push us back to where we have started.

Modern consumerism is a form of having. We can also see having in other areas of daily life. Learning and its converse, teaching, have two distinct faces. In having, one gathers in knowledge and holds on to it. Teachers provide such knowledge. Students use notes and references to augment and support what is held in memory. In the Being mode, learning is always contextual and happens in some horizon of understanding. Listening is active, not passive. Having shows up in the ways we converse with others especially when we are trying to convince somebody to do something. Having shows up as advocacy, which translates to holding onto what we already have and arguing that it is the only way to go. Inquiry and other active collaborative modes of conversation relax

Description of Gisela Naomi Blume book on old Jewish Cemetery of Fuerth

The old Jewish Cemetery in Fürth was used for 300 hundred years. The first burial found was in November 1607; the last in April 1936. During that period there were approximately 20,000 burials. Today, approximately 6,300 tombstones still exist; the oldest still legible stone dates from 1654. The tombstones of the old Jewish cemetery reflect the history of the important Jewish community of Fürth, that had an outstanding role in the 17th and 18th century in Germany. Buried in the cemetery are major scholarly rabbis of international reputation such as Baermann Fraenkel (about 1670-1708) and Joseph Steinhart (1700-1776) as well as the important publishers, Jehuda Schneior (died 1713) and Isaak David Zirndorfer (1776-1855). Many of the names had a decisive impact on the economy, politics, public life and culture in Fürth and are still present through foundations or street names in the city, such as Alfred Nathan (1870-1922), donor of the Nathan Foundation and Honorary Citizen of the city Fürth. Fürth experienced in the 19th century a rapid economic upswing, representing the pencil manufacturer Leopold Illfelder (1809-1901), the banker Salomon Berolzheimer (1811-1886), the brewery owner Wilhelm Mailänder (1820-1871) as well as the mirror manufacturer and royal Bavarian Commercial agent Ludwig Bendit (1825-1908). The 400 page book richly illustrates *The old Jewish Cemetery in Fürth, 1607-2007. History -Discussion ~ Documentation* begins with introductory essays on the history of the cemetery, on the nature of Jewish burials, on the dead person-brotherhood (Chewra Kadischa) as well as on the Jewish calendar. In this section, a whole set of up to now publicly unknown plans are presented in pictorial representations and photos drawings first time. The second part of the book includes approximately 250 tombstones from the 17th to the 20th century with transcriptions and translations of the Hebrew inscriptions as well as biographical statements for the deceased.

economy] is that production shall be directed for the sake of 'sane consumption.'"[1] My underlying critique in this book builds similarly on the connection between pathological patterns of consumption (addiction) and unsustainability (an unhealthy economy).

Fromm comes to this notion of sustainability from his psychological/therapist roots by observing the possibility of two modes of human existence—being and having—and claims that the "having" paradigm now dominating modern cultures has turned pathological. Only a shift to an alternate mode, "being," can save both the human species and the natural world in which we live. I cannot do justice to the richness of Fromm's text, but I will attempt to capture the gist. Fromm says that, "having and being are two fundamental modes of experience, the respective strengths of which determine the differences between the characters of individuals and the various types of social structures."[2]

Having is a familiar mode of living in which one's sense of self is completely tied up with possessing. Being is much more diffuse as a concept. It is the experience of acting and leads to the sense of aliveness and connectedness that only rarely shows up. I know from my own experience that such moments do occur. Fishing is a passion for me, and I go fly fishing on the ocean bays in front of our summer cottage on most days during the summer. The challenge of finding and hooking a striped bass is certainly an important part of what gets me out on the water, but the real draw is the connectedness to the world of nature that I feel. Every day is unique. And on the very rare occasions that I catch and release a really big striper after working for 30 minutes or more to boat the fish, I know that we have become connected. I even wonder if I will see the same fish again at the end of my line.

Description of Gisela Naomi Blume book on old Jewish Cemetery of Fuerth

The old Jewish Cemetery in Fürth was used for 300 hundred years. The first burial found was in November 1607; the last in April 1936. During that period there were approximately 20,000 burials. Today, approximately 6,300 tombstones still exist; the oldest still legible stone dates from 1654. The tombstones of the old Jewish cemetery reflect the history of the important Jewish community of Fürth, that had an outstanding role in the 17th and 18th century in Germany. Buried in the cemetery are major scholarly rabbis of international reputation such as Baermann Fraenkel (about 1670-1708) and Joseph Steinhart (1700-1776) as well as the important publishers, Jehuda Schneior (died 1713) and Isaak David Zirndorfer (1776-1855). Many of the names had a decisive impact on the economy, politics, public life and culture in Fürth and are still present through foundations or street names in the city, such as Alfred Nathan (1870-1922), donor of the Nathan Foundation and Honorary Citizen of the city Fürth. Fürth experienced in the 19th century a rapid economic upswing, representing the pencil manufacturer Leopold Ilfelder (1809-1901), the banker Salomon Berolzheimer (1811-1886), the brewery owner Wilhelm Mailänder (1820-1871) as well as the mirror manufacturer and royal Bavarian Commercial agent Ludwig Bendit (1825-1908). The 400 page book richly illustrates *The old Jewish Cemetery in Fürth, 1607-2007. History -Discussion ~ Documentation* begins with introductory essays on the history of the cemetery, on the nature of Jewish burials, on the dead person-brotherhood (Chewra Kadischa) as well as on the Jewish calendar. In this section, a whole set of up to now publicly unknown plans are presented in pictorial representations and photos drawings first time. The second part of the book includes approximately 250 tombstones from the 17th to the 20th century with transcriptions and translations of the Hebrew inscriptions as well as biographical statements for the deceased.

Fürth

The Jews of Fürth

The history of the city of Fürth is inconceivable without the Jews. With their innumerable foundations and donations they provided the vital incentives for the town's economic development and enhanced its prosperity.
Jews encountered exceptionally positive living conditions and finally equality in Fürth.
However, here as well, National Socialism put a cruel end to the tolerant coexistence practised in Fürth.

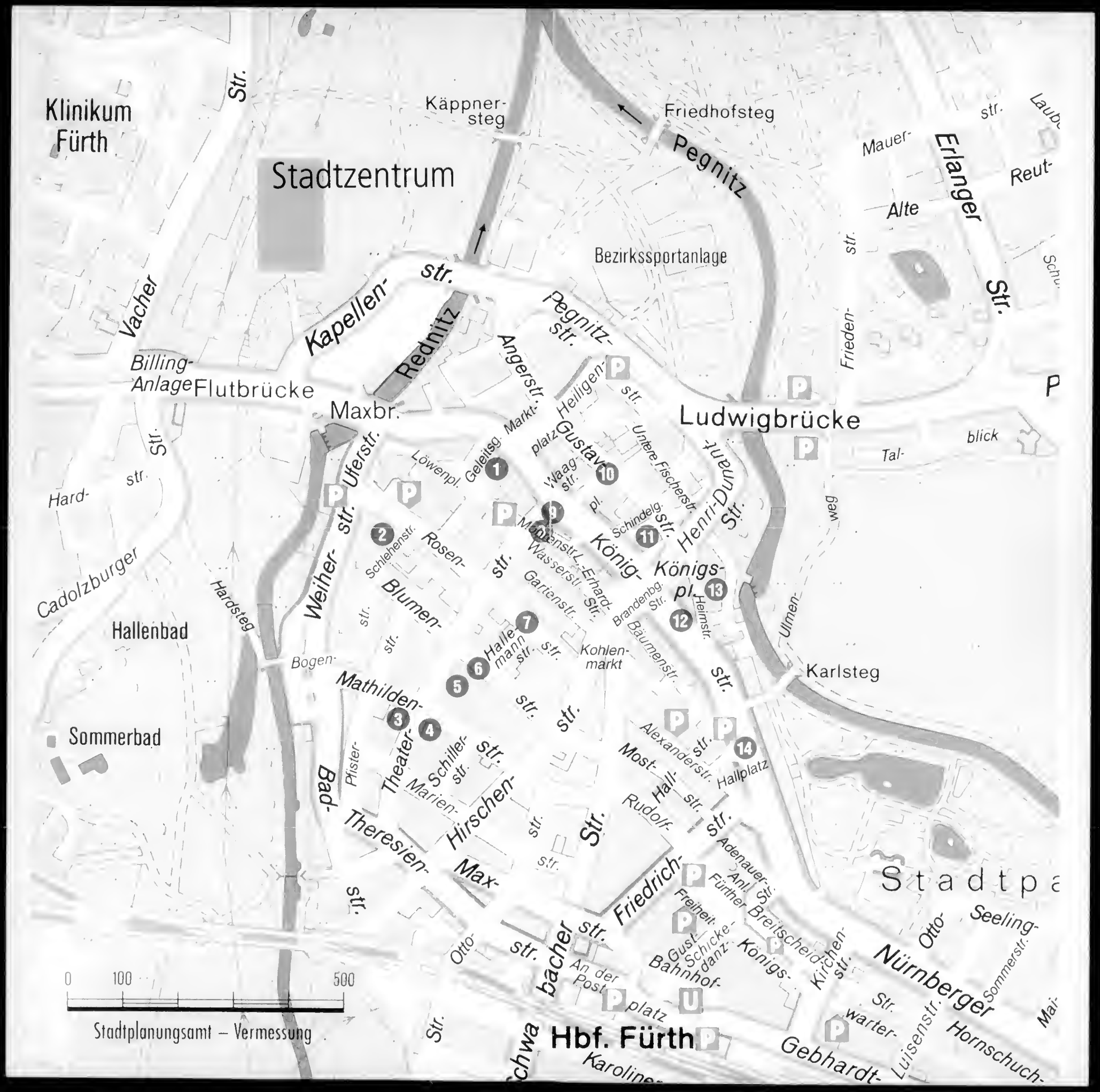
Place of the former synagogue

For many centuries the centre of the Jewish community was in the street today called Geleitsgasse. In the night of the November Pogrom in 1938 the entire „school yard" with its four synagogues and many community institutions, especially the chancellery, the living quarters of the rabbi, Mikvah (ritual bath) and place for Shehita (kosher butchering) were destroyed.
The first synagogue had been built in this place in 1617, almost 90 years after the beginning of consistent settlement of Jews in the market village of Fürth. Thanks to the rivalry of the three lords governing the town the Jews won special legal security and integration. They even sent two representatives with voting rights to the Fürth town administration and were allowed to build as many synagogues as they liked.
In Yiddish a synagogue is called a „Schul" showing that this is not only a place of worship, but also of learning, i.e. the Torah (the first five books of the Old Testament) and the Talmud (interpretations of the Torah) are studied. Since the end of the 17th century a Talmud university was housed in the main synagogue, established by a family that had been expelled from Vienna. This university made Fürth one of the major centres of Jewish learning in Germany in the 18th century. The Talmud university was closed in 1830.
In the 19th century the main synagogue was redesigned as the place of worship for the more liberal members of the community. The contemporary etching on this page shows the synagogue after these changes in 1831. The orthodox Jews used the three smaller synagogues around this square.
In the Third Reich the community was extinguished. 1,500 Jews of Fürth had to emigrate, 500 were killed.
The monument (1986) by the Japanese sculptor Kunihiko Kato who lives in Fürth, symbolises the hope for a preservation of the Jewish people after the Holocaust.

We then cross Löwenplatz to continue on the right down Rosenstrasse, then to the left to the wall of the cemetery in Schlehenstrasse.

2 The Old Jewish Cemetery

For security reasons the Old Jewish Cemetery is not open to the general public anymore. But at the entrance here at [illegible] and even better on the corner of Bogenstrasse and Weiherstrasse one can get a good glimpse through the fence.
As the first of its facilities the growing community established this cemetery, even before building the synagogue. The first burial here took place in 1607.
The cemetery needed frequent extensions, because, unlike Christian cemeteries, a Jewish cemetery may not be used again after a certain period. The dead must rest in their graves until the coming of the Messiah when they will be resurrected. This is why a cemetery is called a „Good Place" or the „House of Life".
The tombstones are huddling closely together. Most of them facing East towards Jerusalem.
The cemetery emanates an atmosphere of serenity and calm which is a hallmark of Jewish cemeteries and may not be disrupted by busy care for the graves.
The cemetery was defiled in the Third Reich. Many graves were destroyed. Today there are some 6,000 tombstones.
The New Jewish Cemetery at Erlanger Strasse 99, inaugurated in 1906, may be visited on all days except Saturdays (Sabbath). Male visitors must wear a hat.
Our route takes us a few steps further through Schlehenstrasse into Blumenstrasse turning into the second street on the right (Theaterstrasse 36).



Klinikum Fürth
Stadtzentrum
Käppnersteg
Friedhofsteg
Pegnitz
Bezirkssportanlage
Erlanger Str.
Mauer-
Alte
Reut-
Frieden-
Kapellen-str.
Rednitz
Pegnitz-str.
Angerstr.
Heiligen-str.
Vacher
Billing-Anlage
Flutbrücke
Maxbr.
Ludwigbrücke
Markt-platz
Gustav-
Untere Fischerstr.
Henri-Dunant-Str.
Tal-blick
Löwenpl.
Geleitsg.
Waag-str.
Schindelg.
Hard-str.
Uferstr.
Weiher-str.
Schlehenstr.
Rosen-str.
Blumen-str.
Wasserstr.
Gartenstr.
Erhard-Str.
König-str.
Königs-pl.
Brandenbg. Str.
Heimstr.
Ulmen-weg
Cadolzburger
Hardsteg
Hallenbad
Hallemann-str.
Kohlen-markt
Bäumenstr.
Karlsteg
Bogen-str.
Mathilden-str.
Sommerbad
Theater-str.
Schiller-str.
Pfister-
Marien-str.
Hirschen-str.
Most-str.
Alexanderstr.
Hallplatz
Hall-str.
Rudolf-str.
Bad-str.
Theresien-str.
Max-str.
Friedrich-str.
Adenauer-Str.
Anl. Fürther Breitscheid-
Freiheit
Gust. Schicke-danz-
Königs-
Kirchen-str.
Nürnberger
Otto-
Seeling-
Sommerstr.
Otto-str.
An der Post-platz
Bahnhof-
Hbf. Fürth
Gebhardt-
Luisenstr.
Hornschuch-
Karoline-
Stadtpa
0
100
500
Stadtplanungsamt – Vermessung

In the spirit of the Jewish ethic that emphasises active love of fellow-man the Jewish community established many social institutions. Included among these are hospitals.
As early as 1653 the Jews in Fürth built their first hospital near the cemetery.
A Jewish doctor, a Christian surgeon and a midwife provided an exceptionally high standard of medical care for the time. At this time the Christians merely had a „Siechkobel" (confinement for the ailing) where they left their sick without any medical attention.
At the beginning of the last century the old hospital could no longer meet the requirements of the time. The Jewish community then built this new hospital at [illegible] in 1846.
When the National Socialists austed Dr. Jakob Frank, the medical director of the Municipal Hospital because of his Jewish faith in 1933, this expert and much respected surgeon continued to work in this hospital until his emigration to the Unied States. The hospital ceased to operate in 1943.
Today it is a residence for members of the Jewish community.
At this point one should mention that until 1933 many of the practising physicians in Fürth were Jews, among them highly esteemed personalities to which the city owes very much.

Opposite and to the side, in the house on the corner with [illegible], at number [illegible], Henry Kissinger who was to become US Secretary of State and winner of the Nobel Peace Prize, was born on the second floor in 1923. The Kissinger family had to emigrate to America in 1938. In 1973 the city of Fürth awarded the Golden Citizen's Medal to its famous son.
We continue into Theaterstrasse, down the road to house number 17.

The poet [illegible], born in Alexanderstrasse in 1873, experienced his harsh childhood in Fürth.
His father was a financially unsuccessful small merchant and therefore the family always suffered from poverty. The Wassermann family had to move very often, first to Blumenstrasse, then to this house and later to Mathildenstrasse and Schwabacher Strasse.
The house at Theaterstrasse 17 is of special importance for the poet's childhood and work, though, because this is where his mother died. Her death was a disaster for the nine-year-old Jakob, because it meant that he was without any protection against the rejection and coldness of his surroundings. In his early autobiographical story „Schläfst du, Mutter?" („Mother, are you asleep?" 1897) he describes his time at Blumenstrasse and Theaterstrasse from the perspective of a child. The description of the mother and her death are among the most touching sections of Wasserman's work.
We continue to the right turning

Today the main seat of the [illegible] Cultural Community of Fürth is housed in this building.
It was built in 1869 as a Israelite Citizens' Secondary School which was extended to become an upper secondary school in 1883. With this school the orthodox members of the community wanted to ascertain that their children experienced a complete religious education which the public schools did not warrant in their view. The school's most famous student was Henry Kissinger.
Today the Jewish community which has its administrative offices in the back building, consists of about 200 members. Most of them came from Eastern Europe.
The next place for us to stop at is Hallemannstrasse, which is the next street on the left side.

It is here, at **Hallemannstrasse 2**, where the heart of the Jewish community of Fürth is today: the synagogue, where the Jews of Fürth assemble each Sabbath for praying and reading the Torah. There is also an apartment for the rabbi, a kosher kitchen, a Mikvah and a tabernacle. This building used to be the [illegible].
A slab informs the visitor in Hebrew and German: „Founded in 1763" as the first Jewish orphanage in Germany. The late classicist building was „Rebuilt in 1868" by the municipal architect of the time Friedrich Friedreich. Then it was „Extended in 1884" when it started to accept girls as well as boys. During this last refurbishment the orphanage was provided with a synagogue of its own on the ground floor. During the Pogrom of November 1938 this building and the synagogue were not burnt down, because of the risk to the neighbouring non-Jewish houses. Thus this synagogue was the only one that remained of Fürth's seven synagogues. Many of the ritual objects of the orphanage's synagogue were lost. On the day after the Pogrom , the Hitler Youth plundered and destroyed many objects in the synagogue and the orphanage. The most valuable heritage of the original furnishing of the synagogue are the two chandeliers of 1750 which had adorned the previous building, the galleries and the Torah cabinet. Together with their director Dr. Isaak Hallemann the children of the orphanage were murdered at the concentration camp Izbica in 1942. A commemorative slab in the hallway keeps the memory of these dead Jews alive.
Dr. Hallemann had had the opportunity to emigrate with his family, but he, his wife and his two youngest children chose to stay with the charges entrusted to them and faced death together with them.
Today the former Julienstrasse bears Hallemann's name.
We walk on, turning left into Rosenstrasse, then right into Theaterstrasse to the north, then into the third street, Mohrenstrasse 2.

into Blumenstrasse.
The commemorative slab at house number 2 in [illegible] tells us that Leopold Ullstein, the great Berlin pub-

lisher and editor, was born here in 1826.
Ullstein left Fürth and went to Berlin in Prussia not only for personal reasons. It was, in fact, due to the legal situation of the Jews in the Kingdom of Bavaria to which Fürth had belonged since 1806. In 1813 Bavaria passed the so-called „Jewish Decree" which was on the one hand aimed at the integration of the Jewish population, but was on the other, very repressive.
Section 12 of the Decree provided that the number of Jews in a community may not increase. This meant in practice that the eldest son could only marry after the father had died. Younger sons were not allowed to establish a family at all. This inhuman law forced many Jews to emigrate from Bavaria. For the Jewish community of Fürth the Decree meant a significant deterioration in their legal status. This is why the percentage of the Jewish population which was 20% at the beginning of the 19th century, dropped drastically during that century.
Around 1900 a mere 5.5% of the Fürth population were still Jews.
We walk on through Schwammbergerstrasse and then right into Königstrasse.

On the inside of the right door post one can still clearly spot the place where the [illegible] the Jewish house symbol, used to be.
The Torah lays down that the Mesusa (in the plural: Mesusot) is a metal container with the text of „Schema Israel" inside („Listen Israel, the Lord is our God, only the Lord ...") which is sunk into the door jamb. Any Jew passing through the door touches the Mesusa with his right hand to be reminded of God and his commandments.
The traces of the Mesusot which can be found everywhere today indicate that the Jews were living throughout the city and not separately in a quarter of their own.
We cross Waagplatz and turn left into Gustavstrasse.

This house dating from the 18th century is another visible reminder of Jewish living and housing. It has two doors that are surprisingly close to one another and are arched at the top.
This shape was to make the doors look similar to Moses' tablets with the Ten Commandments. The house number 14 in Wilhelm-Löhe-Strasse is the second [illegible].
For our next stop we walk through Gustavstrasse and then to

the right to Schindelgasse 10.

The inconspicuous slate-covered house in the oldest street of Fürth's old town housed a [illegible] printing shop from 1737-1868.
It was not the first and not the only one in Fürth, but it was the most important one. As early as 1691 the first two printing shops were established. In 1737 the printer Chaim Zwi Hirsch moved

to Fürth from Wilhermsdorf. His successors were father and son Isaak David Zirndorfer who provided Hebrew printing in Fürth with national recognition. The Fürth printing shop was competing with the two oldest Hebrew printing shops in Sulzbach and Amsterdam.
Initially there was an attempt to pretend that the Fürth books had been printed in these cities by issuing so-called „Pseudo-Amsterdam prints" and „Pseudo-Sulzbach prints". But soon such marketing tricks had become unnecessary. The Hebrew prints from Fürth were held in high esteem, because of their good quality. They are among the first „export goods" which made the booming city of Fürth well known everywhere. The Hebrew printing shops were related to the Talmud university, making the books for its students. So scientific literature, parts of the Talmud and important Talmud commentaries were printed in this house.
But they also printed for the daily needs of the Fürth Jews: the Torah, prayer books, Haggadot (tales about the exodus from Egypt) and even books for entertainment.
The „Tekunos Booklet" of 1728 became quite famous, though no original of this has survived, only a German translation. It contains the rules established by the rabbis of Fürth which were meant to limit the splendour and luxury displayed during celebrations at home and in attire. These rules show that the Fürth Jews must have been quite well off.
Continue through Schindelgasse left into Königstrasse.

At the end of the 1980s this house which had been built by a Jewish family after the Thirty Years' War, was acquired to house the Jewish Regional [illegible] Central Franconia.
The house itself is a worthy „exhibit". Its excellent furnishings (newel stairs, stucco ceilings) and religious installations (Mikvah, tabernacle) tell a lot about the social status of Jews and their lives in Fürth. The great number of exhibits that have been collected for the museum demonstrate the history and religion of the Jews in Central Franconia and particularly of Fürth . At the same time this house shall become a place of meeting and exchange.
Its opening is scheduled for 1997.
We walk past Gasthaus Tannen-

baum to Helmstrasse 9.

The Henle family whose famous son Jakob was born here at house no. 9 in [illegible] in 1809, left Fürth for the same reasons as L. Ullstein - the prospects in the Kingdom of Bavaria were very bleak.
Jakob Henle became a well-known anatomist and pathologist. He was professor in Zurich,

Heidelberg and Göttingen. Medical science owes much of the knowledge about the fine tissue design of the organs, particularly the kidney to Henle. Without any visible evidence, Henle became convinced by his theoretical considerations that infectious diseases were caused by „living disease-causing agents". He did not only win fame because of his scientific activities, though, but also because of his marriage to a plain servant girl. This love story was hotly discussed in the „salons" and had its effect on German literature, because Gottfried Keller and Berthold Auerbach used it in their works.

We return to Königstrasse and then go left to the theatre.

Handbuch

der

rationellen Pathologie.

von

Dr. J. Henle,

Zweiter Band. Specieller Theil.

Zweite Abtheilung. Symptomatologie und Aetiologie.

Braunschweig,

Druck und Verlag von Friedrich Vieweg und Sohn.

1853.

At the end of this walk we have the opportunity to mention the many donations the city of Fürth owes to „its" Jews.

Among the most important is the beautiful theatre. This impressive new construction of 1902 could only be built with donations from Fürth citizens. Most of these donors were Jews who were very enthusiastic about the theatre.

Many important foundations all over the city have not been touched by this walk:

the [illegible], Tannenstrasse 17 (maternity and infant hospital),

[illegible], Theresienstrasse 1 (educational institution for the ordinary people)

Krautheimer Krippe, Maistrasse 18 (home for small children),

the Centaurenbrunnen (Centaur's Fountain) on the station square.

Even last century's Christian churches such as the catholic church Zu Unserer Lieben Frau opposite the theatre profited from Jewish donations.

Unfortunately this large number of social foundations do not exist anymore nowadays, because they were based on a certain amount of capital which was wiped out by inflation and currency reform. They expressed Jewish ethics and the intimate relationship between the Fürth Jews and their hometown.

Walking through Fürth shows over and over again how much we owe to the Jews.

The new green sprouting on the old tombstone of the Jewish cemetery symbolises the hope that peaceful coexistence of all people in this city is a matter of fact.

Fürther Spaziergänge 2: The Jews of Fürth - Town Trail
Published November 1995 by Stadt Fürth - Office for Public Relations and Advice to the Public (Öff/Bb)
Idea and text: Barbara Ohm
Photographs: Dr. Hans-Georg Ohm
Ms. Doris Peter (photograph of the exhibit of the Jewish Regional Museum)
Artwork: Susanne Balz (Öff/Bb)
Translation: Elke Limberger-Katsumi
Fee: DM 1.-

Stadt Fürth

Der Oberbürgermeister

Mrs.
Ruth Budd, Ph. D.
24 Percy Rd.
Lexington, MA 02421
USA

Fürth, February 16, 2006

Dear Mrs. Budd,

In the year 2007 the City of Fürth will celebrate its one thousandst birthday. To celebrate this occasion we have put together a wide program of festivities and events. Jewish citizens of Fürth and the Jewish history of this city will play a prominent role during this special anniversary year.

For this reason I will visit together with Ms. Daniela Eisenstein, director of the Jewish Museum in Fürth and two members of the festivity committee, Fürth's honorary citizen Dr. Henry Kissinger in New York in the very near future. We take great pleasure in inviting you to an event whose theme will be the

Preserving Jewish Cultural Heritage today, in the United States and in Franconia (see enclosed program).

The event is to take place at the
Museum of Jewish Heritage – A Living Memorial to the Holocaust
36 Battery Place, New York, NY 10280 (1st floor)
on Sunday, 26 March, at 2:00 PM.

I look forward to seeing you again, presenting me with the opportunity to talk with you. With the best wishes to you and your families I remain

Sincerely yours,

Dr. Thomas Jung
Lord Mayor of the City of Fürth

90744 Fürth · Rathaus
Telefon 0911 / 974-1000 · Telefax 0911 / 974-1005

Stadt
Fürth

Der Oberbürgermeister

Mrs.
Ruth Budd, Ph. D.
24 Percy Rd.
Lexington, MA 02421
USA

Fürth, im Februar 2006

Sehr geehrte Frau Budd,

die Stadt Fürth feiert 2007 ihren 1000. Geburtstag. Zu diesem Anlass haben wir ein umfangreiches Programm mit Ausstellungen, Festen und Feiern zusammengestellt. Eine große Rolle im Jubiläumsjahr werden dabei auch die jüdischen Fürtherinnen und Fürther und die jüdische Geschichte unserer Stadt spielen.

Aus diesem Grund besuche ich zusammen mit Frau Daniela Eisenstein, Leiterin des Jüdischen Museums in Fürth, und zwei Mitarbeitern für das Stadtjubiläum unseren Ehrenbürger Herrn Henry Kissinger in wenigen Wochen in New York.

Es wäre eine große Freude für mich und meine Begleiter, Sie
am Sonntag, 26. März, 14 Uhr,
zu einer Veranstaltung (siehe beiliegendes Programm) in das
Museum of Jewish Heritage, 36 Battery Place, New York, NY 10280 (Erdgeschoss),

einladen zu dürfen.

Ich freue mich sehr auf ein Wiedersehen, auf interessante Gespräche und Kontakte, und sende Ihnen und Ihren Familien

die herzlichsten Grüße aus Fürth
Ihr

Dr. Thomas Jung

Direktorium · 90744 Fürth
Tel. 0911 / 974-1000
Fax 0911 / 974-1005
Thomas.Jung@fuerth.de

Stadt Fürth

JÜDISCHES MUSEUM FRANKEN
Fürth & Schnaittach

MUSEUM OF JEWISH HERITAGE | A LIVING MEMORIAL TO THE HOLOCAUST

Dealing with Franconian Jewish Heritage Today
A Transatlantic Affair
March 26, 2006

You are cordially invited to

Dealing with Franconian Jewish Heritage Today
A Transatlantic Affair

an event

organized by the City of Fürth
and
The Jewish Museum of Franconia

in cooperation
with the
Museum of Jewish Heritage
A Living Memorial to the Holocaust

Sunday, March 26, 2006
2 p.m. to 4 p.m.

at the Museum of Jewish Heritage
A Living Memorial to the Holocaust
(36 Battery Place, New York, NY, 1st floor)

2 p.m.
Welcome Address
Dr. David Marwell
Director of the Museum of Jewish Heritage -
A Living Memorial to the Holocaust

Welcome Address and Introductory Remarks
Dr. Thomas Jung
Lord Mayor of the City of Fürth

2.15 p.m.
»Putting the Pieces Together«
Reuniting Jewish Franconian Families
Honorary Guest Speaker Frank A. Harris
New York

2.30 p.m. - 2.45 p.m.
Preserving German Jewish History
Dr. Frank Mecklenburg
Director of Research and Chief Archivist,
The Leo Baeck Institute New York

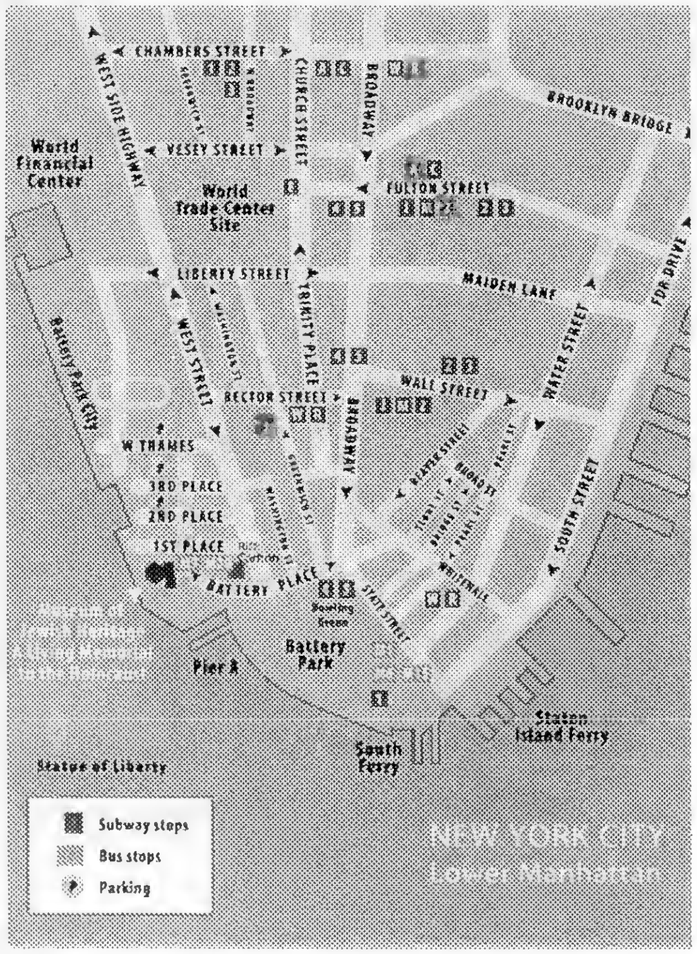
Coffee break - Buffet

3.15 p.m. - 3.30 p.m.
Reconstructing Jewish Family History
Karen Franklin
Family Research Program Leo Baeck Institute
Director of the Judaica Museum Riverdale, New York

3.30 p.m. - 3.45 p.m.
Fürth - The »Franconian Jerusalem« Is Celebrating Its Thousand Year Jubilee
Walter Landgraf
Project Coordinator, City of Fürth

3.45 p.m. - 4.00 p.m.
Dealing with Jewish Heritage in Franconia Today
Daniela F. Eisenstein
Director of the Jewish Museum of Franconia
Fürth & Schnaittach

Discussion



Directions

Museum of Jewish Heritage
A Living Memorial to the Holocaust
36 Battery Place
New York, NY 10280
(first floor)

Subway:

4/5 to Bowling Green, walk west along Battery Place.
W/R to Whitehall Street, walk west along Battery Place.
1 to South Ferry, walk north along Battery Park/State Street, turn left and walk west on Battery Place.
J/M/Z to Broad Street, walk one block west to Broadway, and then south to the corner of Battery Place and Bowling Green. Walk west on Battery Place.

Bus:

M1 to Battery Park.
M6 to Battery Park.
M9 to Battery Park City, stops in front of Museum.
M15 to Battery Park City.
M20 to Battery Park City, stops in front of Museum.

Ferry:

Staten Island Ferry

Driving:

FDR Drive to Battery Park City East exit
or West Side Highway becomes West Street,
turn right onto Battery Place, or call 1.646.437.4200.

Parking

Parking garages at W Thames, 3rd Place, and 2nd place

for further information please contact

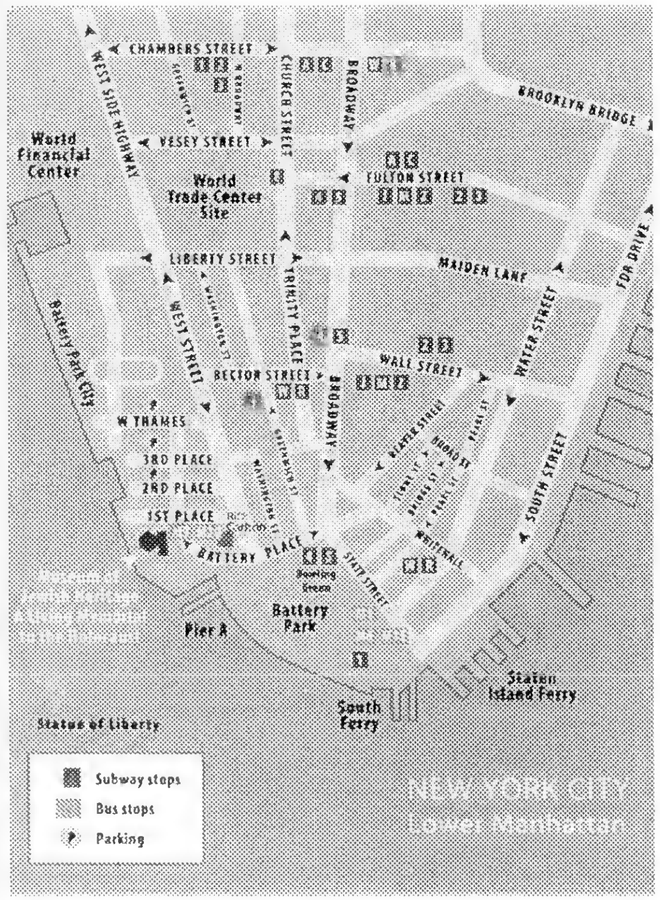
Daniela F. Eisenstein
Jewish Museum of Franconia
Nuernberger Str. 3
90762 Fuerth, Germany
Tel. 01149-911-770577
Fax 01149-911-7417896
info@juedisches-museum.org
www.juedisches-museum.org

or

Susanne Kramer
Head of Press Office
City of Fürth
Tel 01149-911-974 1200
Fax 01149-911-974 1205
susanne.kramer@fuerth.de
www.fuerth.de

R.S.V.P. by March 17, 2006
to
Susanne Kramer

Intentional Second Exposure



Directions

Museum of Jewish Heritage
A Living Memorial to the Holocaust
36 Battery Place
New York, NY 10280
(first floor)

Subway:
4/5 to Bowling Green, walk west along Battery Place.
W/R to Whitehall Street, walk west along Battery Place.
1 to South Ferry, walk north along Battery Park/State Street, turn left and walk west on Battery Place.
J/M/Z to Broad Street, walk one block west to Broadway, and then south to the corner of Battery Place and Bowling Green. Walk west on Battery Place.

Bus:

M1 to Battery Park.
M6 to Battery Park.
M9 to Battery Park City, stops in front of Museum.
M15 to Battery Park City.
M20 to Battery Park City, stops in front of Museum.

Ferry:

Staten Island Ferry

Driving:

FDR Drive to Battery Park City East exit
or West Side Highway becomes West Street,
turn right onto Battery Place, or call 1.646.437.4200.

Parking

Parking garages at W Thames, 3rd Place, and 2nd place

for further information please contact

Daniela F. Eisenstein
Jewish Museum of Franconia
Nuernberger Str. 3
90762 Fuerth, Germany
Tel. 01149-911-770577
Fax 01149-911-7417896
info@juedisches-museum.org
www.juedisches-museum.org

or

Susanne Kramer
Head of Press Office
City of Fürth
Tel 01149-911-974 1200
Fax 01149-911-974 1205
susanne.kramer@fuerth.de
www.fuerth.de

R.S.V.P. by March 17, 2006
to
Susanne Kramer

Helen Megerman
1910-2006

Join Helen's family to remember and celebrate her life

Sunday, March 26, 2006 at 11 a.m.
711 Amsterdam Avenue, Community Room, 1st Floor
New York City

Please bring a story about Helen, a poem
or anything else you'd like to share

A light lunch will follow

RSVP to Joe Megerman, 781-790-1732
or to jmegerman@comcast.net

Instead of flowers or cards consider a contribution to:
Doctors Without Borders
PO Box 1856
Merrifield, VA 22116-8056

or on their website at
www.doctorswithoutborders.org/donate

jüdischesmuseumfranken

Ausstellungen | Veranstaltungen

April - September 07

Programmübersicht Jüdisches Museum Franken in Fürth

24.4.-2.9. | Sonderausstellung
Fürth. Das fränkische Jerusalem

So, 28.4., 16 Uhr | in Kooperation mit dem Stadttheater Fürth
Unheimliche Heimat. Wassermanns Gänsemännchen
Vortrag von Dr. Dierk Rodewald, Berlin (Kulturforum Fürth)

Do, 3.5., 19.30 Uhr | Veranstaltung des Fördervereins
Das Schicksal der jüdischen Rechtsanwälte in Bayern nach 1933
Buchvorstellung von Dr. Reinhard Weber, München
(Grüne Scheune Fürth, Kirchenplatz 7)

Di, 15.5., 19.30 Uhr | Begleitprogramm zur Sonderausstellung
Fürth. Ein fränkisches Jerusalem?
Vortrag von Dr. Monika Preuß, Heidelberg

Di, 22.5., 19.30 Uhr | Buchpremiere
Literarische Spurensuche in Fürth
Buchvorstellung von Bernd Noack mit Maria Kuricová

Do, 21.6.,19.30 Uhr | Begleitprogramm zur Sonderausstellung
Nächstes Jahr in Jerusalem! Symbole und Zeichen der Heiligen Stadt im Wandel der Zeit
Vortrag von Jihan Radjai, Heidelberg

Di, 3.7., 19.30 Uhr | Begleitprogramm zur Sonderausstellung
Amnesie nach 1000 Jahren? Anmerkungen zur Geschichte des Nationalsozialismus in Fürth
Vortrag von Dr. Eckart Dietzfelbinger, Nürnberg

28.9.-11.11. | Kunstausstellung
Ruth Liberman
In Kooperation mit der kunst galerie fürth

Programmübersicht Jüdisches Museum Franken in Schnaittach

So, 20.05., 14 Uhr | Internationaler Museumstag
Jüdische Zeremonialkunst
Toraschmuck in der Synagoge
Lichtbildvortrag von Monika Miklis, Freiburg i. Br.
Parallel zum Vortrag findet ein Kinderprogramm statt.

Do, 18.6., 18.30 Uhr | Vortrag
Schnaittach und Frankfurt - Zwei Rettungsgeschichten jüdischer Kunstgegenstände
Vortrag von Dr. Katharina Rauschenberger, Frankfurt a.M.

So, 29.7., 17 Uhr | Fränkischer Sommer
Synagogale Musik von Louis Lewandowsky
Konzert mit dem Kammerchor Franconia Vocalis

Führungen

Fürth

Museumsrundgang
jeden ersten Sonntag im Monat um 14 Uhr
ohne Anmeldung

Kurzführung durch die Sonderausstellung
»Fürth. Das fränkische Jerusalem«
Di, 18.30 Uhr: 1.5., 5.6., 3.7., 7.8.
ohne Anmeldung

Sonntagsführungen durch die Sonderausstellung
»Fürth. Das fränkische Jerusalem«
So, 29.4. + 2.9., um 14 Uhr

Schnaittach

Landjudentum Museumsrundgang
jeden ersten Sonntag im Monat, um 14 Uhr
ohne Anmeldung

Nur als Gruppenführung buchbar:

Jüdisches Leben in Schnaittach - Stadtführung
Der Rundgang führt von der ehemaligen Synagoge zum jüdischen Friedhof und durch die Marktgemeinde Schnaittach.

Medinat Aschpa
Geschichte der Jüdischen Gemeinde Schnaittach
Kombiführung: Führung durch die Männer- und Frauenschul und zum jüdischen Friedhof

Der jüdische Friedhof in Schnaittach
Führung am jüdischen Friedhof in Schnaittach

Schulprogramm

Fürth

Jüdisches Leben in Franken (ab der 6. Klasse)
Das ehemals jüdische Wohnhaus aus dem 17. Jh. mit einer historischen Laubhütte, einem Ritualbad im Keller sowie zahlreichen Judaika, ist ein authentischer Lernort für die Erkundung jüdischen Lebens in Fürth.
Wahlweise mit Schwerpunkt Geschichte oder Religion.

Jüdische Kindheit und Jugend (ab der 8. Klasse)
Mit Texten, Tonbeispielen und Objekten lernen Jugendliche Hannah kennen und erfahren Aspekte jüdischer Kindheit und Jugend nach 1945. Dabei werden jüdische Identitäten heute wie auch die Nachwirkungen der Schoa auf die Gesellschaft reflektiert.

Von Heuschrecken und Mazzes (4.-6.Klasse)
Spielerisch begreifen Kinder wie Pessach-Speisen und Rituale, Volkwerdung und Selbstbestimmung wie auch Zeiten von Entbehrung und Unterdrückung symbolisieren.

Die Geschichte der Familie Krautheimer
Ein Beitrag zur Menschenrechtserziehung
in der Dependance Krautheimer-Krippe (ab der 6. Klasse)
Anhand der Familiengeschichte Krautheimer im Nationalsozialismus werden Schüler für die Bedeutung der Menschenrechte sensibilisiert, welchen Schutz sie bieten und welche Forderungen sich daraus ergeben.

Führungen in Zusammenarbeit mit Geschichte für Alle e.V.

Schnaittach

Jüdisches Leben in Schnaittach (ab der 4. Klasse)
Die ehemalige Synagoge aus dem 16. Jh. mit Rabbinerhaus und einem historischen Ritualbad eignet sich als authentischer Lernort für die Erkundung jüdischen Lebens in Schnaittach. Wahlweise mit Schwerpunkt Geschichte oder Religion. Kombiführung mit Besichtigung des jüdischen Friedhofs möglich.

24.4.-2.9.07 | Sonderausstellung in Fürth

Fürth. Das fränkische Jerusalem
Von der Erfindung jüdischer Geschichte

Während die Stadt Fürth in diesem Jahr ihr tausendjähriges Jubiläum feiert, blickt das Jüdische Museum Franken auf beinahe 500 Jahre jüdischer Geschichte in Fürth zurück. Fürth war vom ausgehenden Mittelalter bis ins 19. Jahrhundert das Zentrum jüdischen Lebens in Süddeutschland. Heute, mehr als ein halbes Jahrhundert nach der Schoa, ist die jüdische Geschichte und Kultur Fürths ein wichtiger Teil städtischer Selbstdarstellung. Dabei tendiert die Auseinandersetzung mit der jüdischen Geschichte zu romantisierenden Geschichtsinterpretationen eines »Fränkischen Jerusalems«, dem eine besondere »Fürther Toleranz« zugrunde liegt.

Mit der Sonderausstellung »Fürth. Das Fränkische Jerusalem. Von der Erfindung jüdischer Geschichte« stellt sich das Jüdische Museum den populären Mythen um die jüdische Geschichte Fürths und den Sehnsüchten nach »Toleranz«, indem es die jüdische Geschichte der Stadt in ihrer Vielschichtigkeit präsentiert. Dabei spannt die Ausstellung einen historischen Bogen zwischen Heimat und Exil, Zuflucht und Vertreibung.

mit freundlicher Unterstützung der Stadt Fürth

So, 29.7.07, 17 Uhr | »Fränkischer Sommer« in Schnaittach

Synagogalmusik von Louis Lewandowsky

Louis Lewandowsky war seit 1844 Chorleiter der Jüdischen Gemeinde in Berlin und »Königlicher Musikdirektor«. Er führte die Musik des Wiener Kantors Salomon Sulzer auf und komponierte selbst eine neue Liturgie mit Orgelbegleitung. Die 18 deutschsprachigen Psalme, die er zum Teil für die Nürnberger Synagoge komponierte, widmete er »seiner Majestät, dem Könige von Bayern, Ludwig II., in tiefster Ehrfurcht«. Es sind klangprächtige, romantische Werke für gemischten Chor, Soli und Orgel im Stile Mendelssohns.

Corinna Schreiter: Sopran
Markus Simon: Bass
Kammerchor Franconia Vocalis
Leitung: Wolfgang Riedelbauch

Karten nur über Vorverkaufsstellen des »Fränkischen Sommers« erhältlich:
Pegnitz-Zeitung, Ticket-Shop, Tel. 09123-175 135;
Dehnberger Hof Theater, Tel. 09123-954 49 31

Rach
Burs

28.9.-11.11.07 | Sonderausstellung in Fürth

Ruth Liberman

Die kunst galerie fürth und das Jüdische Museum Franken zeigen bekannte und neue Werke von der in New York lebenden Künstlerin Ruth Liberman.

In ihren Arbeiten thematisiert Liberman eindrucksvoll und ironisch die Bedeutungsebenen von Erinnerung und Schrift. Von filigranen Papierarbeiten bis hin zur inszenierten Erschießung einzelner deutscher Wörter reicht ihr Repertoire. Ruth Liberman beeindruckt durch ihre ungewöhnlichen mikrografischen Projekte.

So gestaltet sie Erinnerungstexte neu, die in den Vernichtungslagern entstanden und den Holocaust dokumentieren. Die Texte selbst sind dabei nicht mehr unmittelbar lesbar, bleiben aber als erschreckender Untergrund poetisch wirkender Landschaften präsent.

Veranstalter: kunst galerie fürth in Zusammenarbeit mit dem Jüdischen Museum Franken in Fürth

mit freundlicher Unterstützung der Stadt Fürth

So, 1.10.07 | Einsendeschluss für Kinderfotos

Born in Fürth - Die Nathan Saga

Das Jüdische Museum Franken in Fürth zeigt im Herbst die Sonderausstellung »Born in Fürth. Die Nathan Saga« (7.11.07-30.3.08). Im Mittelpunkt der Präsentation steht die Geschichte der Fürther Bankiersfamilie Nathan und der mit ihr verbundenen Nathanstiftung. Aus dieser Errichtung ging eines der damals modernsten Wöchnerinnen- und Säuglingsheime hervor.

Das Jüdische Museum Franken ruft alle Personen auf, die vor 1967 im alten Nathanstift in der Tannenstraße 17 geboren wurden, ein Babyfoto oder eine frühe fotografische Aufnahme an das Jüdische Museum Franken in Fürth zu schicken. Alle Fotos werden als große Installation in der Ausstellung zu sehen sein.
Nach Wunsch können auch Geburtsdatum und Beruf angegeben werden.

Einsendeschluss ist der 1.10.07: Jüdisches Museum Franken, Büro, Nürnberger Straße 3, 90762 Fürth. Oder als Scan (300 dpi) an: info@juedisches-museum.org.
Alle eingesandten Fotografien werden nach der Einarbeitung an den Absender zurückgeschickt.

mit freundlicher Unterstützung der Stadt Fürth

jüdischesmuseumfranken

Jüdisches Museum Franken in Fürth / Café und Literaturhandlung

Königstraße 89
D-90762 Fürth bei Nürnberg
Tel +49 (0)911-770577

Öffnungszeiten
Di 10-20 Uhr, Mi-So 10-17 Uhr
Schließtage: 22.9., 9.10.,
24./25.12, 31.12.2007; 1.1. 2008

Verkehrsanbindung
Vom Hbf Nürnberg oder Fürth:
U1 bis Fürth Rathaus
Parkhaus: Stadtmitte / City Center

Dependance Krautheimer-Krippe

Maistraße 18
D-90762 Fürth
Tel +49 (0)911-770577

Öffnungszeiten
Für Gruppen- und Schulführungen
nach tel. Vereinbarung

Verkehrsanbindung
Vom Hbf Nürnberg oder Fürth:
U1 bis Jakobinenstraße

Jüdisches Museum Franken in Schnaittach

Museumsgasse 12-16
D-91220 Schnaittach
Tel +49 (0)9153-7434 /
+49 (0)911-770577

Öffnungszeiten
Sa + So 11-17 Uhr
Schließtage: 22.9., 24./25.12,
31.12.2007; 1.1. 2008

Verkehrsanbindung
PKW: A9 Richtung Berlin,
Ausfahrt Schnaittach
Bahn: von Nürnberg Hbf, 40 Min.

Eintrittspreise

Dauerausstellung
3 Euro / 2 Euro erm.
5 Euro Familienticket

Sonderausstellung
5 Euro / 3 Euro erm.
7 Euro Familienticket

Freier Eintritt
Kinder bis 12 Jahren
(gilt nicht im Klassenverband)

Führungen

Schüler
3 Euro pro Schüler, Begleitpers. frei

Schüler-Kombiführung
Museum und Friedhof
5 Euro pro Schüler, Begleitpers. frei
(nur in Schnaittach)

Gruppen
40 Euro Führungspauschale,
zzgl. Eintritt pro Person (ab 12
Personen erm. Eintritt)

Museumsrundgang
jeden 1. Sonntag im Monat,
14 Uhr, ohne Voranmeldung
5 Euro / 4 Euro erm.

Kurzführung mit den Kuratoren
3 Euro pro Person
(nur in Fürth)

Jüdisches Museum Franken Verwaltung, Bibliothek und Archiv

Nürnberger Straße 3
D-90762 Fürth
www.juedisches-museum.org

Zentrale / Führungsbuchung
Tel +49 (0)911-770577
Fax +49 (0)911-7417896
info@juedisches-museum.org

Presse
+49 (0)911-977 986 24

Bibliothek und Archiv
+49 (0)911-977 986 25
Mo geschl., Di bis Fr. 9-12 Uhr

Impressum
Herausgegeben vom Jüdischen Museum Franken - Fürth & Schnaittach, Nürnberger Str. 3, 90762 Fürth; Fotos: Jüdisches Museum Franken (8), Ruth Liberman (1), Dr. Thomas Jung (1); Texte: Daniela F. Eisenstein, Heide Frenzel; Druck: rumpel druckerei nürnberg; Fotograf Titelseite: Dirk Messberger, Nürnberg

Jüdisches Gemeindeblatt

für die israelitischen Gemeinden in Nürnberg und Fürth

Nachrichtenblatt der israel. Kultusgemeinden in Nürnberg und Fürth.

Angemeldet beim Sonderbeauftragten des Reichsministers für Volksaufklärung und Propaganda betr. Überwachung der geistig und kulturell tätigen Juden im deutschen Reichsgebiet.

Nummer 6 | **Nürnberg, 1. August 1937** | **17. Jahrgang**

Zum Gedächtnis für Rabbiner Dr. Max Freudenthal.

ach 3 Jahren des Ruhestandes, die er in München verbrachte, ist unser hochverehrter Rabbiner Dr. Freudenthal zur ewigen Ruhe eingegangen. Mit tiefem Schmerz beklagt die Gemeinde das Hinscheiden ihres langjährigen geistlichen Führers, der ihrer inneren Entwicklung und Formung das besondere Gepräge gegeben hat. Eine Persönlichkeit von leuchtender Intelligenz, treffsicherem Urteil und umfassendem Wissen, bewegt von einem stahlharten Willen und erfüllt von unbestechlicher Lauterkeit eines tiefreligiösen Charakters, widmete er allen Teilen des stets wachsenden Aufgabenkreises seine großen organisatorischen und schöpferischen Fähigkeiten, wie auch die suggestive Kraft seiner rednerischen Begabung. Ob im Gotteshaus oder in Versammlungen: Die tiefen, wohlabgewogenen Gedanken voll Klarheit in edle Form gegossen und mit sprachtechnischem Können vorgetragen, bildeten einen ästhetischen Genuß und wirkten erzieherisch, anregend und überzeugend. Der Rede gleich war seine Schreibweise, und dem Wort entsprach die Tat.

Mit heißem Eifer mühte er sich stets um die würdige Ausgestaltung des Gottesdienstes nach religiös-liberalen Grundsätzen, um die Förderung des Schulwesens im modern pädagogischen Sinn. Das Wohltätigkeitswesen verdankt seiner Initiative die straffe Zusammenfassung und Gliederung, die kulturellen, sozialen und jugendfürsorglichen Bestrebungen in den verschiedensten Organisationen, auch außerhalb seiner Wirkungsstätte, fanden in ihm den bewährten erfolgreichen Führer oder Mitarbeiter, zu dem die Gemeinde stets in bewundernder und dankbarer Verehrung emporsah. Ein ausgeprägter Forschertrieb drängte Freudenthal trotz dieser arbeitsvollen Amtsbürde zu fruchtbarer wissenschaftlicher Betätigung namentlich auf historischem Gebiete. Mit besonderem Eifer und Geschick suchte und entdeckte er verschüttete Quellen der Geschichtsforschung, zeigte er voll Sachkenntnis die politischen und wirtschaftlichen Zusammenhänge im Ablauf des historischen Geschehens auf. Wertvolle Werke und zahlreiche Beiträge in Zeitschriften und Zeitungen fanden anerkennende Würdigung in der wissenschaftlichen Welt. Auch die religionspädagogische Literatur bereicherte er durch beachtenswerte Arbeiten.

Neben dem Problem der geschichtlichen Entwicklung zog Freudenthal die Frage der religiösen Entwicklung in den Bann seines Wahrheitstriebes. Die gewonnenen Erkenntnisse verdichteten sich bei ihm zur religiös-liberalen Anschauung. Die ihr dienende geistige Bewegung zählte ihn bald zu einem ihrer hervorragendsten wissenschaftlichen Vertreter und mannhaften Kämpfer, der unbeirrt von Beifall oder Mißfallen sich zu seiner religiösen Überzeugung bekannte und ihr die Treue hielt. Wohl begleitete seinen geraden und offenen Sinn zuweilen eine scheinbare äußere Herbheit. Sie war aber nichts anderes als der Ausfluß seines spannungsreichen Innenlebens, dessen Kern echte Herzensgüte, strenge Gerechtigkeit und stete Einsatzbereitschaft für den Einzelnen wie für die Gemeinschaft in sich schloß, und darum beglückte er schließlich jeden, der ihm näher kam, mit dem Gefühl der Geborgenheit. Das große Maß von Sicherheit in all seinen Beziehungen zum Leben und zu Menschen verschaffte Dr. Freudenthal das Vertrauen weitester Kreise, selbst der Kreise, die ihm weltanschaulich fern standen. So wählte ihn die bayerische Rabbinerkonferenz zum Vorsitzenden, der Verband bayerischer isr. Gemeinden, an dessen Begründung er starken Anteil hatte, zum stellvertretenden Vorsitzenden und in zahlreichen wissenschaftlichen, sozialen und charitativen Vereinigungen war er an führender Stelle tätig. Wohin man ihn auch rief, überall leistete er, ein strenger Richter gegen sich, ganze Arbeit. Selbst eine vor 14 Jahren notwendig gewordene schwere Operation mit schmerzvollen Nachwirkungen für den Rest seines Lebens vermochte nicht seine Arbeitsfreude und seine Arbeitskraft zu brechen. Die Macht seines Willens bezwang den Körper, in beispielhafter Selbstbeherrschung überwand er alle physischen Hemmungen und erfüllte in gewohntem Verantwortungsgefühl die Pflichten gegenüber Amt und Gemeinschaft, diente er mit alter Liebe der Wissenschaft. Erst als das Herz anfing müde zu werden, trat er in den Ruhestand, freilich nicht um zu rasten, sondern um unbeengt seiner innersten Neigung, der wissenschaftlichen Forschung zu leben. Diese Arbeit begleitete ihn nunmehr als treue Freundin, sie blieb ihm Trösterin noch in den Wochen seines letzten qualvollen Schmerzenslagers. Wenn jetzt auch das Herz zuweilen schon zu versagen schien — das wunderbar klare Gehirn, der Rhythmus des geistigen Lebens blieb lebendig. Diktierte er doch noch drei Tage vor dem Tode, dem er mit philosophischer Gelassenheit und religiöser Ergebung entgegensah, einen wohlgefeilten Artikel für eine Zeitschrift. Am 11. Juli haben schließlich die unerbittlichen Gesetze des Körpers den treuen Arbeiter gebrochen und ihn von uns genommen. Nun ist er eingegangen in die Ewigkeit, die er in seinem Leben mitaufzubauen nicht müde wurde. Das Lebenswerk Dr. Freudenthals überdauert sein irdisches Sein.

„Denn was ein guter Mann erreichen kann — Ist nicht im engen Raum des Lebens zu erreichen.
Drum lebt er auch nach seinem Tode fort — Und ist so wirksam als er lebte.
Die gute Tat, das schöne Wort — Es strebt unsterblich, wie er sterblich strebte".

M. B.

r Behrens. - Für Anzeige

Rabbiner Dr. Max Freudenthal s. A. starb am 11. Juli 1937 in München

Dem Andenken Dr. Max Freudenthals.

Predigt vom Sabbath Chason, von Dr. Heilbronn.

Der heutige Sabbath mit seinem Datum des 9. Ab weckt traurige Erinnerungen in uns. Zwar sind die äußeren Zeichen der Trauer um des Sabbaths willen gebannt und auch das Fasten ist auf den morgigen Sonntag verlegt, aber gewisse Zeichen der Trauer sind doch im Gottesdienst auch heute bemerkbar. Das Prophetenwort spricht von den Sünden Israels, um deretwillen einst die Heimsuchung über unser Volk hereingebrochen ist. Gewaltig ist die Anklage, die der Prophet Jesaias gegen das Volk erhebt und seinen Weheruf stimmte er an über das undankbare Israel, das seinen Gott vergessen hat. Die Anklage der Undankbarkeit wird oft aus dem Munde der Propheten gehört, Israel hat nur allzu häufig seine Führer vergessen. Dieses Wort findet Widerhall in unseren Herzen und läßt uns des Gefühls der Dankbarkeit bewußt werden, die wir denen schulden, die uns auf unserem Lebenswege geführt haben und der wir in dieser Stunde wehmütigen Gedenkens nachkommen wollen, da wir das Bild des Wirkens des langjährigen Rabbiners unserer Gemeinde Dr. Max Freudenthal vor unsere Seele treten lassen. Am Anfang der vergangenen Woche hat er seine Seele ausgehaucht, ist nach langem Leiden zum ewigen Frieden eingegangen, am Dienstag haben wir ihn auf dem alten israelitischen Friedhof in München zur ewigen Ruhe gebettet. Dort in der Hauptstadt unseres Landes hat er seinen Lebensabend verbringen wollen, aber nur 3 Jahre der Ruhe vom Amte waren ihm vergönnt. 27 Jahre hat er von dieser Stätte aus das Wort Gottes verkündet, hat Alt und Jung belehrt, hat sie zur Zucht und Sitte angehalten, hat wie ein guter Hirte seine Gemeinde betreut, hat sie geführt in gesegneten Jahren und war ihr Beistand in Jahren des Leides, in mancher Stunde der Not, des Kummers und der Bedrängnis. Die Aufgabe des Rabbiners, die auch der langjährige Inhaber dieses Amtes in unserer Gemeinde überaus sorgsam durchgeführt hat, ist vom Spruchdichter in dreifacher Weise gekennzeichnet worden: Sifse zadik jir'u rabbim, die Worte des Gerechten sind Führung und Leitung für Viele; pi zadik jonuw chochmo, sein Wort zeugt von Weisheit und schafft Wissen; sifse zadik jed'u rozon, die Worte des Gerechten fördern den Frieden und erstreben das Wohlbefinden der Menschen.

Seine Worte waren Leitung und Führung für Viele. Wenn am Sabbath, an den Festtagen und ganz besonders an den höchsten Feiertagen unserer Religion seine Predigt von dieser Stelle aus zur Gemeinde sprach, wenn er den Konfirmanden die Bedeutung der Lehre Israels klarlegte, wenn er zu Braut und Bräutigam in der heiligen Stunde des Treugelöbnisses sprach, dann war es immer ein Wort, das Vielen, das den Meisten zur Führung und Leitung ihres Lebens diente. Das Wort mußte seinen Weg zum Herzen der Hörer finden, weil dieses Wort als der Ausdruck eines bestimmten religiösen Standpunktes Bedeutung und Geltung beanspruchte. Es war stets von eindeutiger Auffassung, von klarer Bestimmtheit. Es war vorgetragen in einer edlen Sprache. Seine Predigt war gedanklich durchdacht, meisterlich abgerundet. In seiner Geschichte Kultusgemeinde, die Freudenthal geschrieben hat, und die reich ist an persönlichen Bekenntnissen, sagte er einmal, daß nur der Rabbiner seiner Gemeinde gerecht wird, der wohlvorbereitet vor sie hintrit; und obwohl ihm eine hervorragende natürliche Gabe der Beredsamkeit zu eigen war, hat ihn die Gewißheit dieser rednerischen Begabung doch niemals in seinem Fleiße und in der Arbeit an sich selbst ermüden lassen. Ein Rabbiner aber, der nur durch sein Wort zu wirken bestrebt ist, hat seine Aufgabe verkannt. Alle Kunst der Rede, die Beherrschung des Wortes, selbst die künstlerische Gestaltung und Formung der feinziselierten Predigt kann auf die Dauer keinen Erfolg haben, wenn hinter dem Worte nicht die Persönlichkeit steht, die in ihrer Lebensart und in ihrer Lebensführung das gesprochene Wort bejaht und bezeugt. Wir sahen und erlebten es, wie Freudenthal an sich die höchsten Anforderungen stellte, wie er die Kraft, die Ausdauer, die Zähigkeit, die er von seinen Schülern und seiner Gemeinde verlangte, an sich selbst bewiesen hatte. Wir beobachteten sein Wirken in den Tagen seiner Gesundheit und seiner ungebrochenen Kraft.

Wir bewunderten schon damals den unermüdlichen Fleiß, der diesen Mann auszeichnete, der neben den amtlichen Obliegenheiten für so Vieles Zeit fand, sei es, daß er seine Arbeitskraft wissenschaftlichen Studien oder allgemeinen jüdischen Dingen widmete. Voll innerer Teilnahme gewahrten wir dann die Leidenszeit, die ihm auferlegt war. Ungebrochen blieb auch dann seine Energie, niemand konnte merken, daß der Schmerz ihn quälte, unter Schmerzen und unter Behinderungen aller Art hat er seines Amtes gewaltet, hat von dieser Stätte aus das Wort an die Gemeinde gerichtet, stand des schlimmsten Wetters nicht achtend auf dem Friedhof, um Trauernde zu trösten, saß an seinem Arbeitstisch, die Schmerzen mit eisernem Willen verbeißend, seinem Werke, seiner Arbeit, seinem Amte sich widmend. Darin ist er uns Vorbild gewesen. Er hat unserem Geschlecht, das so leicht verzweifelt, gezeigt, wie man Schweres, das Gott uns auferlegt, tragen soll. Er hat uns gelehrt, daß die starken, geistigen und sittlichen Kräfte, die in einem Jeden von uns leben, imstande sind, uns aufrecht zu erhalten. Mag auch die Not, die Sorge, das Leid, der Schmerz auf unseren Schultern lasten, wir haben die Kraft zu tragen, wir haben die Kraft der Ausdauer. Dieses Bild des tapferen Menschen, der sich nicht niederbeugen läßt, und der unbeirrt ob aller Hindernisse und Hemmnisse seinen Weg geht, das steht in dieser Stunde wehmütigen Gedenkens vor unserer Seele.

Pi zadik jonuw chochmo, das Wort des Frommen zeugt von Weisheit und schafft Wissen. Daß Freudenthals Wort von Weisheit zeugte, haben wir schon angedeutet. Ueberall, wo er das Wort nahm, in der Gemeindestube, in der Beratung der Wohlfahrtsangelegenheiten, bei seiner Mitarbeit in den verschiedenen Organisationen, denen er angehörte, immer hat er das rechte Wort zu finden gewußt. Sein Wort war klar, kurz und bestimmt, immer das Wesentliche hervorhebend und in markigen Sätzen unterstreichend. Aber mehr als dies, was er sprach und was er schrieb, gab Kunde von seinem tiefen Wissen und schuf neues Wissen. Ein jeder, der das Amt des Rabbiners bekleidet, muß wissenschaftlich sich immer weiterbilden, ihm aber war es auch vergönnt, darüber hinaus selbst wissenschaftlich schöpferisch tätig zu sein. Er hat das, was als tote Akten in den Archiven schlummerte, wieder lebendig werden lassen, er gab uns ein Bild von dem Leben, wie es sich in vergangenen Zeiten in den Familien, in den Gemeindestuben, in den Lehrhäusern und Schulen unseres Volkes abspielte. So war Weisheit und Wissenschaft in ihm eng verbunden.

Aber auch der dritten Aufgabe, von der unser Textwort spricht, ist Freudenthal gerecht geworden. Sifse zadik jed'u rozon, die Worte des Gerechten fördern den Frieden und erstreben das Wohlbefinden der Menschen. Die Worte dieser Stelle unseres Textes sind etwas schwierig. Der bekannte Bibelerklärer Raschi deutet sie dahin, die Worte des Frommen, der dem Schöpfer in rechter Weise zu dienen vermag, fördern den Frieden und das Wohlbefinden der Menschen. Eine heilige Aufgabe, die jedem Rabbiner zuteil wird, und der Freudenthal in ganz hervorragender Weise nachgekommen ist, die reiche, große, soziale Arbeit seines Lebens diente dem Wohlbefinden und dem Frieden der Menschen. Die straffe Organisation unserer Wohlfahrtsvereine, ihr Zusammenschluß in Zeiten der Not, ihre Verschmelzung in der Israelitischen Zentralen Wohlfahrtsstelle, die von ihm begründet wurde, die Nothilfe, die er ins Leben rief, das alles gibt Kunde von seinem Schaffen auf dem Gebiete der Wohlfahrt. Voller Dankbarkeit gedenkt unsere Gemeinde seines Wirkens, voller Dankbarkeit gedenken seiner alle die, für deren Wohlbefinden er gesorgt hat, denen er Berater und Helfer, Fürsprecher und Förderer gewesen ist. Wenn Ihr nicht nur mit den Gedanken und Empfindungen Eueres Herzens in dieser Stunde Eueren Dank bezeugen wollt, sondern nach einem symbolhaften Ausdruck dafür suchet, dann gedenket dieser Aufgabe unserer Wohlfahrtsvereine, die jetzt in unseren Zeiten ganz besonders berufen sind, das Wohlbefinden zu fördern und für den Frieden unter den Menschen zu sorgen. Ihr erfüllet damit nur einen Wunsch, den Freudenthal in seiner Predigt, mit der er sich am achten Tage des Peßachfestes von seiner Gemeinde verabschiedete, zum Ausdruck brachte. Er sprach damals, als er zum letztenmale von dieser Stelle aus an die Gemeinde das Wort richtete, den Wunsch und die Hoffnung aus, daß diese Gemeinde stets sei eine Stätte reiner Lehre, treuen Bekennens und eifrigen Wohltuns. Daß sie eine Stätte reiner Lehre und treuen Bekennens bleibe, das ist die Aufgabe der Rabbiner und Lehrer. Daß sie eine Stätte eifrigen Wohltuns sei, das ist Aufgabe aller derer, die berufen sind in der Arbeit unserer Wohlfahrtsvereine mitzuwirken, das ist Euere Aufgabe, denn nur durch Euere Mitarbeit kann unser Werk ermöglicht werden.

Eine reich gesegnete Amtstätigkeit war Freudenthal beschieden. Reich gesegnet vor allem dadurch, daß sein amtliches Wirken zusammenfiel mit dem Wachstum, mit dem Aufstieg, mit der Blüte der Gemeinde. In den Zeiten des Abstieges ist die Arbeit, die geleistet

Heimgegangenen, das ich zu zeichnen versuchte, lernen, daß es keine Schwierigkeit gibt und sei sie noch so groß, die nicht überwunden werden kann, lernen, wie wir jeder an uns selbst arbeiten müssen, wie wir bestrebt sein müssen, uns geistig immer weiter zu bilden. Nur einer, der durch sein Wissen über den Dingen steht, vermag, weil er erhaben ist über alle Kleinlichkeit und Engherzigkeit der Menschen, ihr Wohlergehen und den Frieden zu fördern. Frieden unter den Menschen, das ist Israels großes Ziel. Es gibt keinen Tag im Jahre, sei es ein froher oder trauriger Gedenktag, den unsere alten Lehrer nicht mit diesem letzten Ziel unserer Arbeit in Verbindung zu bringen wissen. Wenn unsere alten Lehrer sagen, am 9. Ab würde der Messias geboren, was kann es anders bedeuten, als dies: Aus allem Streit, aus allem Leid, aus aller Not der Menschheit heraus wird die Zeit geboren, da der Friede die Menschen eint. Dieser Friede winkt nur dem, der die Kraft besitzt, durch das Leid, durch die Not hindurchzuschreiten, der stolz und aufrecht bleibt und sich nicht beugen läßt durch Heimsuchung und schwere Schicksalsschläge. Um die Kraft, deren wir hierzu bedürfen, lasset uns jetzt beten mit den Worten, mit denen unser heimgegangener Rabbiner so oft seine Predigten geschlossen hat:

Adonoj os l'amo jitten adonoij j'worech es amo bescholom, o Herr, gib uns die Kraft, daß wir stark und aufrecht und ungebeugt durch die Not und das Leid des Lebens hindurchschreiten. O Herr, segne Dein Volk mit Deinem Frieden!

Die 4. Weltkonferenz der Weltvereinigung für religiös-liberales Judentum.

An der 4. Weltkonferenz der World Union for Progessive Judaism nahmen 80 Delegierte aus England, Amerika, Deutschland, Frankreich, Holland, Schweden, Danzig und Brit.-Indien teil. Die Delegation aus Deutschland stand unter Führung von Rechtsanwalt Heinrich Stern und Rabbiner Dr. Seligmann. Ihr gehörten u. a. Herr Professor Dr. Elbogen, Kammergerichtsrat a. D. L. Wolff, Dr. Kellermann (Berlin) und die Rabbiner Dr. Dienemann, Dr. Swarsensky, Dr. Salzberger, Dr. Levy (Mainz), Dr. Hahn (Essen), Dr. Wolf (Dresden) und Dr. van der Zyl (Berlin) und der Generalsekretär der Vereinigung, Werner Simon, an. Vor Beginn der Tagung trat das unter Leitung von Rabbiner Dr. Dienemann stehende Autoritätskomitee zusammen. Man erörterte das Problem „Autorität und Tradition". Zu einer Festlegung de. Inhalte der jüdischen Tradition wurde eine besondere Kommission eingesetzt, die aus neun Mitgliedern, je dreien aus England, Deutschland und Amerika, besteht. In dem Verhandlungsthema des ersten Hauptkonferenztages „Organisierte Religion und modernes Leben" spiegelte sich vieles von dem angeschnittenen Problem des „Autoritätskomitees" wieder. Nach mehr allgemein gehaltenen Ausführungen eines Vertreters der amerikanischen Delegation sprach Rabbiner Dr. Swarsensky. — Am zweiten Tag der Versammlung fand die Geschäftssitzung statt, die vornehmlich den Arbeitsberichten gewidmet war. Es berichteten für Amerika Rabbiner Dr. Rauch, für Deutschland Werner Simon, für England Rabbiner Dr. Lewine, für Frankreich Rabbiner Dr. Germain Levy, für Holland R. A. Dr. Loeb, für Schweden Admiralitätsrat Wolff und über Palästina Dr. Dienemann. Außerdem lagen hierüber, wie über die Arbeit in Australien, Südafrika und Indien ausführliche Berichte vor. Besonders starke Befriedigung lösten die Berichte über den Fortschritt der religiös-liberalen Bewegung in Australien, Südafrika und Palästina aus. Mit Recht bemerkte Rabbiner Rauch (Amerika) daher: „Das Reformjudentum hat nichts an seiner alten Kraft verloren. Seine Grundsätze verlangen eine ständige Entwicklungsmöglichkeit und das religiös-liberale Judentum muß sein, sonst würde das Judentum überhaupt untergehen". Diesen Berichten folgten dann noch

Im SOMMER-SCHLUSSVERKAUF noch billiger! 986 Geschw. Loebenberger Breite Gasse 77
HÜTE · SCHALS · KRAWATTEN

Jugendalijah.

Dem Kinder- und Jugenddorf Ben Schemen in Palästina stehen für das am 1. Oktober beginnende Schuljahr noch eine beschränkte Anzahl von Zertifikaten zur Verwendung in Deutschland zur Verfügung. Ein Teil dieser Zertifikate soll verwendet werden für Kinder zwischen 12 und 14 Jahren, die in die Kindergemeinschaft (Grundschule) eintreten. Der Aufenthalt in dieser Schule bildet für die Kinder eine gute Vorbereitung, nicht nur für den späteren Übergang in die landwirtschaftliche Fachschule von Ben Schemen, sondern für das palästinische Leben im allgemeinen.

Der zwei- bis dreijährige Besuch einer regulären palästinensischen Schule läßt die Kinder nicht nur die sprachlichen Schwierigkeiten leicht überwinden, sondern ermöglicht ihnen eine viel intensivere und nachhaltigere Ausnutzung der Fachausbildung gegenüber denjenigen, die ohne diese Vorbereitungszeit eine palästinensische Berufsausbildung erfahren. Für die landwirtschaftliche Fachschule von Ben Schemen stehen ebenfalls noch einige Zertifikate für Jugendliche im Alter von 15-17 Jahren, die eine mindestens achtjährige Schulausbildung nachweisen können, zur Verfügung. Anfragen und Anmeldungen sind zu richten an die

Jüdische Jugendhilfe e. V., Berlin-Charlottenburg 2, Kantstraße 158, Telefon 915556–57.

„Die Jüd. Legion im Kampf für Erez Jisrael".

(Zum 20. Jahrestag ihrer Gründung.)

Eine kurze Geschichte der Jüdischen Legion von Karl Rawicz. *)

In diesen Wochen jährt sich zum 20. Male der Gründungstag der Jüdischen Legion. — Nur allzu schnell hat die jüdische Welt an dieses epochemachende Ereignis in der Geschichte der jüdischen Gegenwart vergessen, trotzdem die Legion hervorragend mitbestimmend war für die Erlangung jener Rechte, die dem Judentum als gleichberechtigtem Volke in den internationalen Vereinbarungen und Verträgen eingeräumt wurden. Für den Legionsgedanken warben zunächst Vladimir Jabotinsky und Jossef Trumpeldor unter den durch die Türken von Palästina vertriebenen Juden in Alexandrien mit der Absicht, ein Kampfbataillon zu gründen, welches ausschließlich an der Palästina-Front Verwendung finden sollte. Nach vielen Verhandlungen wurde im April 1915 eine aus 600 Mann bestehende Freiwilligentruppe gebildet. Diese Truppe, genannt „Zion Mule Corps" (Zionistisches Mauleselkorps) war eine selbstständige Formation mit eigener Fahne (Magen David). Nach vielen Enttäuschungen und schweren Verlusten wurde es im März 1916 wieder aufgelassen. Da das „Zion Mule Corps" ganz anderen Zwecken zugeführt wurde, als seine Initiatoren geplant hatten, kann es noch nicht als „Jüdische Legion" angesehen werden. Es half jedoch den Weg zur Schaffung der tatsächlich kämpfenden Jüdischen Legion ebnen und deshalb steht dem Korps in diesem Sinne historische Bedeutung zu. Jabotinsky, der weiterhin die Forderung nach Schaffung einer Jüdischen Legion verfolgte, die als Kampftruppe an der Eroberung und Besetzung Palästinas teilnehmen sollte, hatte fast unüberwindliche Hindernisse zu bestehen. Große Schwierigkeiten bereitete insbesondere die britische Regierung. Die zionistische Führerschaft rückte noch im Jahr 1915 von ihm und seinen Plänen ab. Seinen übermenschlichen Bemühungen gelang es jedoch, durch Anknüpfung von Beziehungen zu britischen Staatsmännern und Politikern und durch unermüdliche schriftliche und mündliche Propaganda, die Schaffung des Jüdischen Regiments für das Jahre 1917 zu erwirken.

Col. Patterson führte im Februar 1918 das erste Bataillon der Jüdischen Legion, die „Judeans", an die Palästina-Front. Der Legion gehörten zunächst die Überreste des „Zion Mule Corps" an, zu denen die Freiwilligen aus dem Londoner Juden-Bezirk, Whitechapel, hinzukamen. Weiterhin schloß sich der Legion auch ein Bataillon jüdischer Freiwilliger aus Amerika unter der Führung des australischen Col. E. Margolin an. An der Besetzung Süd-Palästinas hatte sie starken Anteil. Im September 1918 zählte die Legion, nachdem die „Hifnadvut" (Musterung) unter großer Begeisterung der jüdischen Bevölkerung an Ort und Stelle durchgeführt worden war, bereits 1500 Freiwillige. Im selben Monate zeichnete die Legion sich insbesondere beim Übergang über den Jordan aus. Gen. Allenby berichtete am 29. Okt. 1918 aus dem dortigen Hauptquartier: „Das 38. Bataillon hat die Brücke von M. S. Schecht erobert. Alle kampffähigen Soldaten beteiligten sich an der Schlacht. Führten alles durch, was von ihnen verlangt wurde. Ich muß auf ihre gute Kampfmethoden und auf ihr Menschenmaterial hinweisen. Das bezieht sich auf das 38. und 39. jüdische Bataillon". Es ist fast symbolisch, daß gerade die zwei

*) Red. Anmerkung: Wir bringen diesen Artikel, ohne uns mit allen Einzelheiten zu identifizieren.

Palästinareise 1937.

Ein Tatsachenbericht von Distr.-Rabbiner Dr. Sigfrid Behrens — Fürth i. Bay.

(Fortsetzung.)

Wir verweilen mit großem Interesse auf den waldigen Wegen des Karmel und kehren gern in den gutgeführten Gasthöfen auf den Höhen ein. Wir wandeln hier auf attem historischen Boden. Auf den Höhen des Karmel hat einst Elia — der Prophet — in denkwürdiger Stunde das Volk Israel versammelt. Wer weiß, ob nicht die stattlichen Gebäude des Karmeliterklosters die Stelle einnehmen, die einst die berühmte Szene des israelitischen Propheten sah. Wir verzeichnen oft die Tatsache, daß Landsleute uns begegnen und uns freudig begrüßen.

Wir erfahren immer eindringlicher, daß alles, was wir an tiefen Eindrücken gewinnen, von jüdischen Händen geschaffen worden ist, ob es die hübschen Häuser sind, die im ganzen Lande beständig errichtet werden, die Landstraßen, die jüdische Arbeiter im Schweiße ihres Angesichts bauen, die Schulen, die Synagogen, die mustergültigen Krankenhäuser oder die blühenden Kolonien. Um sie kennen zu lernen, reisen wir von Haifa ins Emek, in das Tal [illegible] und Tal Chasor. Es Kleinviehherden besitzen. Wein- und Obstbau — Orangen und Grapefruit — wird nach Möglichkeit, je nach Boden und Landbesitz, ebenfalls getrieben. Er ist ein wichtiger Faktor des jüdischen Sektors Palästinas. Wie ein Goldregen mutet uns dieser Segen der Obstplantagen an, die noch ihre letzten Früchte tragen und schon die neuen Blüten weithin duftend ansetzen. Noch immer geht ein Strom von Orangenladungen über die Häfen des Landes hinaus in die Welt. Die blühenden Kolonien sind wirklich durch harte jüdische Arbeit dem Erdboden abgerungen worden. Wir verstehen den Stolz, den die kräftigen Männer und Frauen zeigen. Musterhaft sind die gesamten Anlagen: die Einrichtungen für Kinderpflege und Krankendienst, die Bibliotheken und Lesesäle, die Kindergärten und Schulklassen. Besondere Liebe gehört zumal jetzt vor Pessach dem Chadar Haochel, dem Speisesaal, der jetzt für den Seder bereitet wird. Er wird zu besonders stimmungsvoller Feier die Angehörigen der Kewuzah und ihre Gäste aufnehmen und wird seine besondere Weihe durch die Jugend empfangen, durch die Kinder, die an diesem Abend festlich mit Blumen einziehen [illegible] aus der Haggadah, wie das große jüdische Schicksal, so auch [illegible] Schicksal ihrer Siedlung, aus dem mit reichem Verständnis geschaffenen Buche vernehmen werden. Wir lernen heute die bescheidenen, aber

Sommer-Schlußverkauf
ins SCHUHHAUS
Polatschek
NÜRNBERG-A, Karlsbrücke 4

1912 25 JAHRE 1937
Adolf Rothschild
MÜNCHEN \ BRIENNERSTRASSE 52
KOSTÜME . KLEIDER . MÄNTEL . PELZE

jüdischen Bataillone den letzten Widerstand am Jordan gebrochen haben und den Weg für die britischen Armeen an derselben Stelle freimachten, an welcher unsere Väter unter Josua gekämpft hatten.

1919 zählte die Jüdische Legion rund 5000 Mann. Diese Truppe nahm zwar, da der Krieg bereits beendet war, an keinen Kämpfen mehr teil, es kommt ihr jedoch insoferne besondere Bedeutung zu, als sie gerade in der wirren Nachkriegszeit für die Aufrechterhaltung der Ordnung und Ruhe in Palästina, insbesondere im nördlichen Teil des Landes, zu sorgen hatte. Da gerade um diese Zeit der ganze Orient in Flammen stand und nur in Palästina Ruhe herrschte, so hat gerade die Geschichte dieser Tage bewiesen, daß die Anwesenheit eines jüdischen Schutzes im Lande ausreicht, um Frieden und Ordnung zu sichern. Allmählich jedoch schritt die britische Heeresleitung an die Auflösung der Legion. Ostern 1920 verblieben nur noch 300-400 Mann in derselben, bis auch diese schließlich nach einiger Zeit abgebaut wurden. Unmittelbar auf die Auflösung der Jüdischen Legion brachen die Progrome in Jaffa und Jerusalem aus, die wertvolle jüdische Menschenleben als Opfer forderten. Ein Beweis für die Richtigkeit der Forderung Jabotinskys nach Erhaltung der Jüdischen Legion.

In den letzten 20 Jahren hat das Judentum der Taten seiner jüdischen Legionäre fast völlig vergessen. Nichts kündet von der Tapferkeit dieser Männer. Kein Denkmal wurde ihrer Erinnerung errichtet. Nicht Kriegslorbeeren und Freude am Blutvergießen waren es, die die jüdischen Legionäre angelockt hatten. Die Legion war vielmehr der Aufschrei des Jahrhunderte durch alle Länder der Erde gehetzten jüdischen Volkes, das in einem weltentscheidenden Momente die Rückgabe seiner ihm geraubten Heimat forderte, um dort, wie alle anderen Völker, ruhig und sicher seine friedliche Arbeit im Dienste der Menschheit erfüllen zu können. Und so wird auch die Tat der Jüdischen Legion, wenn sie erst einmal in die Erkenntnis unseres Volkes eingedrungen ist, dastehen als das, was sie in Wirklichkeit ist: das Ringen eines Volkes um Freiheit.

Lokales.

Beerdigung von Rabbiner Dr. Freudenthal. Am 13. Juli wurde Herr Dr. Freudenthal, unser langjähriger Rabbiner, auf dem Thalkirchener Friedhof in München zur letzten Ruhe gebettet, wo ihm der Gemeindeverband ein Ehrengrab zur Verfügung gestellt hat. Mit den Leidtragenden versammelte sich eine stattliche Zahl von Trauergästen in der Trauerhalle des Friedhofes. Unter ihnen befanden sich Vertreter der Nürnberger Kultusgemeinde, ihrer Institutionen und ihrer Beamten. Auch hiesige Freunde und Bekannte des Verstorbenen, sowie die in München wohnenden einstigen Mitglieder unserer Gemeinde waren herbeigekommen, um dem verstorbenen geistlichen Führer in dankbarer Verehrung das letzte Geleit zu geben. Mehrere Rabbiner folgten dem Sarge im Talar. Dem Wunsche des Verstorbenen entsprechend, wurden keine Trauerreden gehalten. Herr Rabbiner Dr. Baerwald sprach ein Gebet, in das er eine treffliche Würdigung des Heimgegangenen einflocht. Mit dem Vortrag des Kaddisch schloß die schlichte, aber ergreifende Feier.

Trauerfeier in der Synagoge. Am Samstag, den 17. Juli, wurde dem teuren Heimgegangenen beim Morgengottesdienst eine Stunde der Erinnerung geweiht. Vertreter des Vorstandes und der Verwaltung sowie zahlreiche Mitglieder der Gemeinde waren erschienen. Nach dem Einheben der Thora leitete der Synagogenchor die Feier mit dem Lewandowskischen Gesang „Mache mir kund" ein. Hierauf hielt Herr Rabbiner Dr. Heilbronn die Gedächtnisrede, in der er den Gefühlen der Trauer um und der Dankbarkeit gegen den einstigen geistlichen Führer der Gemeinde warmen Ausdruck verlieh. (Die Rede ist in dieser Nummer unseres Blattes abgedruckt). Mit einem stimmungstreuen „El mole rachamim", der von Kantor Kaufmann dem Gedächtnis Freudenthals gewidmet und mit tiefer Empfindung gesungen wurde und dem nachfolgenden Vortrag des Kaddischgebetes schloß die würdige Feier.

---

diese Bauerndörfer so noch einen Blick zu werfen auf die Zeugen ferner geschichtlicher Vergangenheit, auf die Höhen des Gilboa und des Tabor. Wir erinnern uns, daß wir durch ein Gebiet reisen, das oft genug der Mittelpunkt großer geschichtlicher Entscheidungen des jüdischen Volkes bei Megiddoh usw. war. Jetzt wird ein anderer Faktor in die Wagschale geschichtlicher Entscheidung gelegt werden dürfen: die sichtbare Arbeit, die den Aufstieg dieses Landes mächtig fördert, nicht um den arabischen Partner weit hinter sich zu lassen, sondern ihn zu einem segensreichen Wettbewerb im Dienste seines eigenen Wohlstandes anzuregen. Denn seine eigenen ritterlichen Ueberlieferungen haben noch nicht seine Armut und seine primitivste Lebensweise in Palästina überwunden.

Wir sehen überall in der Stadt die lebhaften Vorbereitungen für das Peßachfest. In blendendem Frühlingslicht wird es einziehen. Wir brechen am Rüsttage des Festes nach Jerusalem auf. Wir werden mit dem Autobus durch die wechselnden jüdischen Siedlungen geführt und durch arabische, z. T. wohlgepflegte Städte und Siedlungen, die teilweise wie Nablus, das alte Sichem, aus der biblischen Geschichtsdarstellung uns wohlvertraut sind. In immer mächtigeren Serpentinen nimmt der Wagen den Weg nach Jerusalem hinauf. Immer steiniger und felsiger wird der Weg durch das Gebirge Juda. Hier und da begegnen arabische Hirten mit ihren Ziegen- und Schafherden unsrem Weg. Polizeipatrouillen tauchen auf wie zu unsrem Schutze. Wir passieren die palästinische Rundfunksendestelle Ramalla. Wir durcheilen die letzten Stationen vor den Stadttoren. Um 2 Uhr Mittags sind wir am Ziel: In glühender Mittagshitze grüßen wir die hochgelegene, hochgebaute Stadt Jerusalem. Wie eine lebhafte Bewegung geht es in diesen letzten Stunden der Vorbereitung des Festes durch die Straßen der Stadt. Jeder ist noch beschäftigt mit den letzten kleinen Sorgen für den Seder. Jeder trägt beglückt die Blumen heim, mit denen er den festlichen Tisch schmückt.

Wir beziehen unser Quartier. Wir erfrischen uns nach den Anstrengungen der Fahrt und suchen den Festgottesdienst in der Synagoge Jeschurun auf. Sie ist von einer festlich gestimmten Menge besucht. Wir hören einen vorzüglichen Kantor. Wir stellen fest, daß die palästinischen Liturgien durchweg sephardisch vorgetragen werden. Die Gemeinde begleitet die Gesänge mit guten Melodien. Einschaltungen gibt es in Erez Israel nicht. Nur das Hallel wird hier auch im festlichen Abendgottesdienst eingefügt. Wir haben in Jerusalem wie an diesem Abend immer Gelegenheit, bayerische Landsleute zu begrüßen. Wir vereinigen uns zum Seder in einem Kreise Nürnberg-Fürther Jugend. Wir alle sind sehr beglückt, wie im heimatlichen Bezirk gerade an diesem köstlichen Abend jüdischer Feier, vereint zu sein in einem besonders gastlichen Hause. Einzigartig wölbt sich über uns der Himmel Palästinas, als wir den Heimweg antreten.

(Schluß folgt.)

Vermietung der Sitze

in der Hauptsynagoge und in dem Betsaal für die hohen Feiertage 1937.

Gottesdienst:

Am 1. und 2. Tage des **Neujahrsfestes** und am **Versöhnungsfest** finden die Gottesdienste in der Hauptsynagoge wie im Vorjahre statt; im gemeindlichen Betsaal ebenfalls, wie bisher.
Ein besonderer **Jugendgottesdienst** wird nicht abgehalten.

Ausgabe der Eintrittskarten:

Die Gemeindemitglieder, welche die im Vorjahre innegehabten Plätze weiter behalten wollen, werden gebeten, diese am 30. oder 31. August abzuholen, da sonst über die Plätze weiter verfügt wird. Durch Tod oder Wegzug erlischt der Anspruch.
Ab Mittwoch, den 1. Septemher werden die noch verfügbaren Plätze für die Synagoge und den Betsaal abgegeben.— Kartenabgabe täglich vormittags 8.30—12.30 Uhr, Zimmer 2 im 1. Stock, Neuegasse 12. — Der schulpflichtigen Jugend werden die Eintrittskarten durch die Religionslehrer ausgehändigt.
Eintritt in die Hauptsynagoge an den hohen Feiertagen ist nur gegen Eintrittskarten zulässig.
Den Eigentümern von Synagogenplätzen werden, soweit diese in Nürnberg wohnen, die erforderlichen Karten durch Boten zugestellt.

Die **Eintrittspreise** sind die gleichen, wie im Vorjahre. Telefonische Anrufe bezüglich Synagogenplätze bitten wir zu unterlassen.

Hutschrankfächer:

Die Miete für 1937/38 mit RM. 3.— wolle bis 31. August zur Einzahlung gebracht werden. — Die bis dahin nicht eingezahlten Beträge werden bei den Mietern zuzügl. Einhebegebühr eingezogen.
Postscheckkonto Nürnberg 3622.

Nürnberg, 31. Juli 1937.

Der Vorstand der isr. Kultusgemeinde Nürnberg.
Rosenzweig.

Aufruf zur Ablösung von Neujahrsglückwünschen. Nur kurze Zeit noch währt es, bis unser Neujahrsfest seine ernsten Gedanken in uns aufsteigen läßt. Wieder naht uns die Stunde, da Verwandte und Freunde einander die Hand reichen und Glück- und Segenswünsche austauschen. Wie denken wir da beklommenen Herzens an alle, die so gerne vom Glück beschenkt sein möchten und deren Wohnungen alles Frohe so oft fern geblieben ist. Bittere Not ist dort zu Hause, und statt festlicher Stunde kehrt dort Sorge und Kummer ein. Darum lasset uns, da unsere festlichen Tage nahen, unserer Armen und Bedrängten gedenken.

Das Komitee zur Ablösung von Neujahrswünschen:

Komm.-Rat Ludwig Rosenzweig, Dr. Heilbronn, Dr. Andorn, Fritz Prager, Paula Erlanger, Hugo Baermann, Leo Katzenberger.

Enthebungskarten können gelöst werden vom 22. August bis 1. September bei Herrn Ludwig Bendheim, Gostenhofer Hauptstraße 34, Herrn Adolf Blumenstein, Luitpoldstraße 15, Frl. Ida Dormitzer, Luitpoldstraße 11, Fa. Albert Müller, Jockeyclub, Königstraße 40, Herrn M. Silberthau, Königstraße 41; beim Sekretariat Am 1. September muß die Liste geschlossen werden, da sonst die Veröffentlichung der Namen nicht mehr rechtzeitig erfolgen kann.

Gymnastik und Tanzabend. Im Rahmen der „Kurse für hygienische und tänzerische Gymnastik" bewährte ihre Leiterin, Frl. Else Reitzenberger, bei einer öffentlichen Aufführung am 27. Juni ihre pädagogischen Fähigkeiten auf dem Gebiete der Gymnastik, des Tanzes und der Choreographie. Was die Schülerinnen, Kinder, junge und erwachsene Mädchen an gymnastischen, rhythmischen, akrobatischen und tänzerischen Vorführungen in begeistertem Wetteifer boten, bewies eine vorzügliche Schulung. In wohldisziplinierter, präziser und exakter Weise lösten alle, ob groß oder klein, die ihnen gestellten gymnastischen Aufgaben mit Sicherheit und Leichtigkeit, mit Grazie und Verständnis wurden die Gruppentänze bewältigt. In selbst erarbeiteten Tanzsoli erwiesen die Mädchen Waltraud Hermann, Hildegard Blum, Lore und Lilo Seidenberger eine ausgezeichnete Begabung für Bewegungskunst. Zur lebendigen Aneiferung tanzte auch Frl. Reitzenberger selbst mit bekannt technischer Vollkommenheit und packender Ausdrucksfähigkeit. Ihr reifes Können drückte aber auch allen Darbietungen der verschie-

die Improvisationen zur Gymnastik lagen in den bewährten Händen von Frl. Klothel Levi, die mit feinem Stilgefühl und musikalischer Erfindungsgabe ihre Aufgabe glänzend löste. — Stärkster Beifall und Gaben der Anerkennung von seiten der großen Zuhörerschaft lohnten die Leiterin, die musikalische Begleiterin wie die Schar der Schülerinnen. Max Bernheimer.

Vortrag Dr. Georg Josephtal. Am Montag, den 19. Juli, sprach Dr. Georg Josephtal, Berlin, über das Thema „Die kgl. Kommission hat gesprochen, das jüdische Volk hat das Wort". Nach einleitenden Worten von Dr. Bamberger ergriff der Referent das Wort und gab eine genaue Analyse der momentanen politischen Situation. Im Mittelpunkt seiner Ausführungen standen die beiden Vorschläge der Kommission. Er betonte, daß der erste Vorschlag, nämlich Einwanderungsbeschränkung auf jährlich 12000 Zertifikate unter Beibehaltung des Status quo, eine Palliativlösung darstelle, die nicht dazu angetan sei, die Situation endgültig zu klären. Demgegenüber steht als zweiter Vorschlag eine territoriale Teilung in zwei verschiedene Staaten und einer englischen Mandatszone. Nach einer genauen Aufzeichnung der Argumente für und wider den Teilungsplan kam der Referent zu dem Ergebnis, daß aus folgenden drei Hauptgründen eine Annahme, selbst unter Protest, unmöglich sei:

1. Die Lösung einer territorialen Teilung ist keine Garantie für einen Dauerfrieden und damit keine endgültige Lösung des gesamten Problems.

2. Die Forderung Englands, Jerusalem aus dem jüdischen Komplex herauszulösen, bedeutet nicht nur den Verlust einer Stadt, deren überwiegender Teil der Einwohnerzahl jüdisch ist, sondern darüber hinaus den Verzicht auf einen Bestandteil des Zionismus überhaupt, da für den größten Teil des Ostjudentums Jerusalem gleich Palästina ist.

3. Die Lösung der Judenfrage maximal kann nicht geschehen auf einem Territorium, das im Höchstfalle bei intensivster Kolonisation nicht mehr als eine bis zwei Millionen Juden fassen kann.

Nach einer kurzen Pause sprach Herr Dr. Georg Josephtal noch einmal über die Gründe, die die Kommission veranlassen, einen derartigen, für beide Teile unannehmbaren Vorschlag zu machen. Er erklärte, daß man nur im Zwangsfalle unterschreiben würde, im übrigen aber würde man jederzeit mit einem klaren Nein antworten. Man müßte sich darüber klar sein, daß jede vorschnelle Entscheidung einen Verzicht bedeute, den niemand verantworten kann. Die Parole heißt heute mehr denn je: Lieber eine unbeschränkte Zeit warten als für immer verzichten. Nach abschließenden Worten von Dr. Bamberger dankte ein herzlicher Beifall dem Referenten für den gelungenen Abend.

Gemeindebibliothek und Lesezimmer, Färberstraße 39/II, Tel. 25019.

Ausleihe: Montag mit Freitag 10–12 Uhr
ferner Mittwoch auch 15—20 „
Lesezimmer offen: Montag mit Freitag 10–12, 16–18 Uhr,
Samstag 10–12½ Uhr.

Private Unterrichtskurse der isr. Kultusgemeinde Nürnberg. Die Ferien beginnen und endigen entsprechend den Schulferien (1. August bis 30. September). Soweit sprachliche Anfängerkurse während der Ferien fortgeführt werden, finden diese in der Neuen Gasse 12/III statt. Näheres über Wiederbeginn bezw. Neueinrichtung von Kursen wird in der Septembernummer angekündigt.

Nürnberger isr. Beratungsstelle. Neue Gasse 12/II, Zimmer 13.
Sprechstunden: Montag, Mittwoch, Donnerstag 16–18 Uhr,
Dienstag und Freitag . . . . 10–12 Uhr.

Für die Dame der Taschenschirm ab 9.75
Für den Herrn der Stockschirm ab 7.50
Katz beschirmt preiswert und gut!
Schirm-Katz, Nürnberg, Adlerstr. 33
1078

Personalia.

Sterbefälle:

26. Juni	Frau	Nanette Frankenau, 77 Jhr., Maxfeldstr. 12.
27. „	„	Regina Karpf, 77 Jhr., Johannisstr. 17.
27. „	Herr	Julius Straus, 61 Jhr., Guntherstr. 21.
27. „	„	Moritz Opper, 72 Jhr., Brunnengasse 67.
30. „	„	Dr. Max Wassertrüdinger, 52 Jhr., Schlegelstr. 31
9. Juli	„	Laje Aussenberg, 72 Jhr., aus Leipzig.

Barmizwos:

7. August 37	Rudolf Heller, Sohn des Herrn Richard Heller.
14. „	Norbert Mai, Sohn des Kaufmanns Herrn Siegfried Mai.
21. „	Bernd Mandel, Sohn des Kaufmanns Herrn Moritz Mandel.
28. „	Rolf Peter Radziejewski, Sohn des Kaufmanns, Herrn Sally Radziejewski.

Ablösungen statt Dankkarten:

Anläßlich der Verlobung und Vermählung:

Sofie Heinsfurter
Richard Rosenberg
anläßlich ihrer Verlobung.

Mina Heinsfurter
Gustav Heinsfurter
anläßlich der Verlobung der Tochter und Schwester.

Lotte Rebitzer
Friedrich Aufrecht
anläßlich ihrer Verlobung.

Justin Rebitzer und Frau
Sigmund Mainzer und Frau
Dipl.-Ing. S. Rosenthal und Frau
anläßlich der Verlobung ihrer Tochter, Enkelin und Nichte.

Verschiedene Anlässe:

Jakob Heimann und Frau Valentine, Nürnberg
Julius Heimann und Frau Käthe, Tel Aviv
anläßlich der Geburt einer Enkelin und Tochter.

Frau Franziska Sander
anläßlich der Geburt des ersten Urenkels.

Frau Ida Herold anläßlich ihres 75. Geburtstages.

David Rosenfeld und Frau nach Wiedergenesung.

Ernst und Julie Heßdörfer
Dr. Heinrich und Ilse Fuld
Dr. Hans und Anna Teutsch
anläßlich einer Familienfeier.

Hermann Fried und Frau anläßlich eines Familienfestes.

Philipp Weil und Frau anläßlich einer Familienfeier.

Dr. Ludwig Heußinger und Frau Lotte
anläßlich Auswanderung.

Frl. Hilma Strauß anläßlich Wegzuges nach Ulm.

Lore und Fritz Fuld anläßlich Auswanderung.

E. B. E. anläßlich seiner Abreise.

Martin Weilheimer anläßlich einer Familienfeier.

Albert und Lene Gutherz anläßlich Auswanderung.

Anläßlich Barmizwoh:

Berthold und Selma Nußbaum ihres Sohnes Martin.

Adolf und Martha Krämer ihres Sohnes Werner.

Isi und Ida Braun ihres Enkels Werner Krämer.

Fritz und Elly Spear
Clärchen Spear
des Sohnes und Enkels Hans.

Dr. Siegfried Guggenheimer und Frau ihres Sohnes Heinrich.

Eduard Heimann und Frau
Frau Emilie Heimann
des Sohnes und Enkels Werner.

Dietenhöfer & Klein, Nürnberg
Kobergerstraße 13 · Fernsprecher Nr. 52046, 47, 48
größtes Lager in Bindfaden und Kordel
Spezialität: Kreuzspulen für alle Apparate passend
Bastband, Klebestreifen
1066

Anläßlich des Ablebens:

Frau Else Freudenthal
Walter und Ellen Freudenthal
Fritz und Käte Hammelbacher
Heinz und Elsbeth Freudenthal
anläßlich des Ablebens ihres Gatten und Vaters.

Emily und Simon Löb
Martin und Ida Weilheimer
Herr und Frau Louis Dormitzer
Herr und Frau Heinrich Gosser, Chicago
Frau Richard Tuchmann
Max Gutmann & Co.
zum Gedenken des Herrn Dr. Freudenthal.

Frau K. R. Ella Lebmann
Herr und Frau Konsul Max Sontheimer
Frau Lina Dormitzer
Fri. Lu. Dormitzer
statt eines Kranzes für Herrn Dr. Freudenthal.

Wolf Himan und Frau
Hugo Baermann und Frau
Frieda Held
Elsbeth Schmidt
Richard und Gertrud Jung
Hedwig Silberstein
Paula Erlanger
Betty Hesselberger
Julius Langstadt und Frau
Emil und Liesel Spaetb
Herr und Frau Dr. Heilbronn
Julchen Neu
Sali Felheim und Frau Martha
Frau Ferdinand Kohn
Albert Fechheimer
Geh. Justizrat Dr. Sigmund Dormitzer und Frau
zum Gedenken an Herrn Dr. Freudentbal.

Dr. A. Frankenau und Frau
Ludwig S. Frankenau
Adele Frankenau
Julius Rink
anläßlich des Ablebens der Mutter und Schwester, Frau Nanette Frankenau.

Helen Hesselberger
Frau Georg Kohn
Joseph und Anna Spear
Betty Silberschmidt
Herr und Frau Alfred Loewi
Frau Mina Kohn
Frau Nanette Berlin
statt Kranzspende für Frau Nanette Frankenau.

Martha Mayer
Rudolf Bauer und Frau Erna, New York
anläßlich des Ablebens des Bruders und Schwagers, Herrn Albin Klein.

Karoline Rosentbal, Erlenstegenstr.
anläßlich des Ablebens ihres Mannes, Herrn David Rosenthal.

Dr. Hugo Loew
statt Dankkarten für erwiesene Teilnahme beim Ableben der Mutter.

Helene Jondorf statt Blumen für Herrn Theodor Lebrecht.

Konsul Eduard Lindenthal und Frau Frida
anläßlich des Ablebens ihres Freundes Theodor Lebrecht.

Max Löwenstein und Frau Clara, geb. Glauber
anläßlich des Ablebens des Vaters Herrn Josef Glauber.

Rosa Wassertrüdinger
statt Dankkarten anläßlich des Ablebens ihres Mannes, Herrn R. A. Dr. Wassertrüdinger.

Frl. Emma Wassertrüdinger, Gossensaß,
anläßlich des Ablebens des Bruders, Herrn Dr. Max Wassertrüdinger.

Paul Lang
R. A. Dr. Lebrecht
Richard und Gertrud Jung
Sofie Wiener
statt Kranzspende für Herrn R. A. Dr. Wassertrüdinger.

967

Leinen- und Baumwollgarne von
Dietenhöfer & Klein, Nürnberg
Kobergerstraße 18 · Fernsprecher Nr. 52046, 47, 48
Größtes und bestsortiertes Lager am Platze

Todes-Anzeigen
u. sämtl. Familien-Anzeigen
Geschäfts-Anzeigen
In allen jüd. Zeitungen durch **Jacob Gradmann**
Fürth i. B. / Telefon 70547

Dr. Julius Sinauer und Frau
Frau Ferdinand Kohn
anläßlich des Ablebens des Bruders und Schwagers, Herrn Otto Sinauer.

Frieda Fichtelberger mit ihren Kindern Ruth, Liese, Fränzis
anläßlich des Ablebens des Gatten und Vaters.

Zilli Fichtelberger ihres Sohnes.

Arthur Blümlein und Frau
des Schwagers, Herrn Simon Fichtelberger.

Julius Karpf und Frau
Dr. David Karpf und Familie
anläßlich des Ablebens der Mutter, Schwiegermutter Großmutter, Frau Regina Karpf.

N. N. anläßlich eines Todesfalles.

Anläßlich Jahrzeit und Gedenktag:

Anna Gärtner
anl. des Todestages des Gatten, Herrn Siegfried Gärtner.

Frau Justizrat Orthal anläßlich des Todestages ihres Gatten.

Irma Wild zum Todestag ihres Mannes.

Tilde Mayer
Heinrich Mayer
anläßlich der Jahrzeit des Gatten und Bruders, Herrn Architekt Mayer.

Willy und Bertha Behrens anläßlich des Todestages von Frau Johanna Behrens.

Ernst und Gertrud Nachmann anläßlich eines Gedenktages.

L. Nauheim anläßlich eines Gedenktages.

Spenden:

Emeſka	50.— RM.
N. N.	5.— „
N. N. für Kranke . .	3.— „

Annahmeschluß für Ablösungen für September 1937: 22. August 1937.

Postüberweisung für Ablösungen mit genauer Textangabe an Israel. zentrale Wohlfahrtsstelle. Postscheckkonto Nr. 36547.

Israelitischer Kalender und Gottesdienste im Monat August 1937 in der Hauptsynagoge zu Nürnberg.

An den Freitagabenden 18.30, an den Sabbatvormittagen 9 Uhr.

Samstag,	31.	Juli	Ekew Neumondsweihe (Elul) Sabbatausgang 20.45 Uhr.
Samstag,	7.	August	R'eh Neumondsabbat Sabbatausgang 20.35 Uhr.
Sonntag,	8.	"	1. Elul (2. Neumondstag)
Samstag,	14.	"	Schoftim **Predigt.** Sabbatausgang 20.20 Uhr.
Samstag,	21.	"	Ki seze Sabbatausgang 20.05 Uhr.
Samstag,	28.	"	Ki sowo Sabbatausgang 19.50 Uhr.
Sonntag,	29.	"	1. S'lichothtag
Samstag,	4.	Sept.	Nizowim Sabbatausgang 19.35 Uhr.
Sonntag,	5.	"	**Rüsttag zum Neujahrsfest 5698**

An Wochentagen: Abends 18.30 Uhr; früh: vom 2. Aug. ab 7 Uhr, an Sonntagen 7.30, jedoch am 29. Aug. und 5. Sept. 7 Uhr.

Fürther Nachrichten.

Lokales.

Gemeindebibliothek Fürth.

Ausleihestunden: Mittwoch 16 Uhr bis 18.30 Uhr
Sonntag 9 „ „ 11.00 „

Lehrhaus Fürth geschlossen bis 1. Oktober 1937.

Ablösung von Neujahrsglückwünschen. Die Wohlfahrtsstelle der Isr. Kultusgemeinde Fürth hat schon gegen Mitte des Monats Juli sämtliche Mitglieder der Kultusgemeinde in einem Rundschreiben aufgefordert, die Glückwünsche anläßlich Roschhaschonoh 5698 durch eine Spende abzulösen. Die Aufforderung mußte deshalb so frühzeitig erfolgen, weil der Plan besteht, die alte Sitte der Ablösung von Glückwünschen in einer neuen Form durchzuführen. Es soll nämlich rechtzeitig vor den hohen Feiertagen ein Bericht der Gemeinde über ihre Tätigkeit, über die sozialen und kulturellen Aufgaben, Hilfe und Aufbau, äußere Entwicklung, Wanderung, Krankenhaus, Waisenhaus, Realschule, Jugend und Sport etc. herausgegeben und dieser allen Gemeindemitgliedern, aber ferner auch allen denen zugeschickt werden, die aus der Gemeinde hervorgegangen sind. Dieser gedruckte Bericht wird in einem zweiten Teil die Namen aller derer enthalten, die ihre Roschhaschonoh-Glückwünsche abgelöst haben und die auf dem Wege der Veröffentlichung durch die Kultusgemeinde allen ihren Freunden und Verwandten in allen Teilen der Welt ihre Grüße und guten Wünsche übermitteln.

Niemand wird in der Liste fehlen wollen; es braucht auch niemand zu fehlen, weil nur ein – den Verhältnissen angemessener Betrag – erwartet und auch die kleinste Spende dankbar angenommen wird. Die Beträge werden selbstverständlich nicht veröffentlicht werden.

Die Gemeindemitglieder werden gebeten, soweit dies bei der Herausgabe des Gemeindeblatts noch nicht geschehen sein sollte, ihre Ablösung unverzüglich vorzunehmen und Adressen von Bekannten und Freunden, die ehemals in Fürth wohnten und an die die Druckschrift gesandt werden soll, der Gemeindekanzlei aufzugeben.

Synagogenplätze: In den nächsten Wochen werden die Empfangsbestätigungen über Platzmieten und Reinigungsgebühren durch unsere Beauftragten vorgezeigt werden. Wir ersuchen unsere Gemeindemitglieder die geforderten Beträge rechtzeitig einzuzahlen und dafür eine Platzkarte in Empfang zu nehmen mit dem ausdrücklichen Hinweis darauf, daß ein Besuch der gemeindlichen Gottesdienste an den Feiertagen ohne Platzkarte nicht gestattet sein wird.

Unterbringung von Kindern aus unsern Landgemeinden. Es besteht sehr dringender Anlaß, unsere Gemeindemitglieder darum zu bitten, daß sie einige Kinder aus unseren Landgemeinden während ihrer Ferien bei sich aufnehmen. Besonders erwünscht sind solche Familien, die selbst Kinder haben, da die Kinder, die untergebracht werden sollen, während ihrer Ferien durch Anschluß an andere Kinder aus ihrer Vereinsamung herauskommen sollen. Die jüdischen Familien in unserer Gemeinde tragen, wenn sie Kinder unserer Landgemeinden für kurze Zeit bei sich aufnehmen, nur eine Dankesschuld ab, weil ja seit Jahren die städtischen Kinder immer wieder Gelegenheit bekamen und bekommen, in Familien auf dem Land ihre Ferien zu verbringen.

Wir bitten um baldige Meldungen von Freiplätzen unter Angabe, ob ein Junge oder ein Mädchen aufgenommen werden soll, an die Kanzlei der Isr. Kultusgemeinde.

992

Schreibmaschinen

Merc. **Selekta, Erika, Triumph, Adler** u.a. Marken

H. EGLER, FÜRTH, Telefon 72125

Die Trauer um den Heimgang Dr. Freudenthals hat auch in weiten Kreisen der Israelitischen Kultusgemeinde Fürth lebhafte Anteilnahme geweckt. In den langen Jahren seiner Nürnberger Amtszeit war er durch zahlreiche persönliche und freundschaftliche Beziehungen mit unserer Gemeinde aufs innigste verbunden. Weithin wurde sein kluger Rat und seine stete Hilfsbereitschaft geschätzt und verehrt. In Dankbarkeit würdigen wir die reichen Anregungen, die von ihm ausgegangen sind und die Arbeit der Gemeindeverwaltung und der Gemeinderabbiner in hohem Maße befruchtet und gefördert haben.

Seine reiche wissenschaftliche Arbeit, mit besondrer Liebe auf die Heimatgeschichte gerichtet, zog seit langen Jahren die historisch und kulturell bedeutsame Vergangenheit der Gemeinde Fürth und ihres Umkreises in den Bezirk ihrer gelehrten Forschungen. Wir verdanken seinen Untersuchungen eine Reihe von aufschlußreichen Abhandlungen, die sich durch ihre Gründlichkeit und Eindringlichkeit, durch Klarheit und Sachlichkeit auszeichnen. Noch im letzten Heft der Zeitschrift für die Geschichte der Juden in Deutschland hat er einen Aufsatz aus einem interessanten Kapitel Fürther Institutionen veröffentlicht, der noch einmal die frische Farbe des Geschichtsforschers trägt und der lebhaften Darstellung nicht ermangelt. Dem Manne, der die Liebe zur Geschichte unsrer Heimat so lebhaft gepflegt hat, wird immer die treue und dankbare Gesinnung unsrer Gemeinde gehören.

Sechzigster Geburtstag. Herr David Lehmann, Mitglied des Gemeindevorstandes der Israelitischen Kultusgemeinde, konnte Anfangs Juli seinen sechzigsten Geburtstag feiern. Weite Kreise der Gemeinde haben dem langjährigen Vorsitzenden und verdienstvollen Leiter unsrer gemeindlichen Wohlfahrtsstelle und ihrer Schöpfungen ihre herzliche Anteilnahme aus diesem Anlaß zum Ausdruck gebracht.

Siebzigster Geburtstag. Herr Lehrer und Kantor i. R. Bernhard Gutmann feierte am 9. Juli seinen 70. Geburtstag. Seine Tätigkeit als langjähriger Lehrer in unsrer Gemeinde und als Kantor in unsrer Neusynagoge steht noch in lebhafter unmittelbarer Erinnerung seiner einstigen Schüler und der Besucher der Gottesdienste. So konnte es nicht fehlen, daß dem bewährten Beamten der Gemeinde, der in der treuesten Erfüllung seiner Pflicht durch ein Menschenalter in unsrer Mitte seines Dienstes gewaltet hat, ein reiches Maß von Liebe, Dankbarkeit und Verehrung an seinem Jubeltage zuströmte. Wir wünschen dem verehrten Manne einen weiteren beglückenden Ruhestand im Kreise seiner Familie.

Bewegung der Gemeinde Fürth.

Sterbefälle:

6. Juli 37 Frau Minna Thau, 72 Jhr., Staudengasse 10.

Ablösungen:

Herr David Farntrog und Frau statt Dankkarten anläßlich ihrer Silberhochzeit.

Herr Bernhard Gutmann, Lehrer a. D. dankt herzlich für erwiesene Aufmerksamkeit anl. seines 70. Geburtstages

Herr David Lehmann dankt für die ihm zugegangenen Wünsche und Aufmerksamkeiten.

Dr. Albert Dreyfuß und Frau, Fürth
Dr. Fritz Dreyfuß, Jerusalem
danken herzlich für alle Aufmerksamkeiten anl. der Geburt ihres Enkels und Neffen.

Frau Justizrat Wertheimer anl. des Todestages ihres Gatten.

Herr Ernst Rosenfelder anl. eines Gedenktages.

Frau Anna Merzbacher anl. des Todestages ihres Mannes.

Familie J. S. anl. der Jahrzeit ihres sel. Mannes und Vaters.

Sigmund Zimmer und Frau
Frau Therese Zimmer
Jonathan Kohn, Aschbach
danken bestens für erwiesene Aufmerksamkeit anl. der Barmizwoh ihres Sohnes und Enkels.

Annahmeschluß der Ablösungen für September 1937:

Itus Nürnberg.

Jüdischer Turn- und Sportverein.

Bei den 4. bayerischen jüdischen Leichtathletikmeisterschaften am 4. Juli in München konnten unsere Mitglieder Stefan Rafael, Artur Hecht, Liesl Rosenbaum, Lothar Laub, Rudolf Ehrenreich, Lutz Eichbaum und Lore Reiter 10 Meisterschaften erringen. Mit einer kleinen Expedition an den Meisterschaften teilnehmend, konnten wir ein gutes Ergebnis verzeichnen. Wie schon im vergangenen Jahr war auch dieses Mal die Jugend aller bayrischen jüdischen Vereine vertreten. Die Leistungen der Jugendlichen sind als ausgezeichnet zu bewerten. Man ersah, daß trotz zeitlichem Trainingsmangel, die wenige Zeit von allen gut ausgenutzt war. Die auf unserem Platz neu angelegte 100 m Grasbahn hat sich zum Training so bewährt, daß die Nürnberger jugendlichen Teilnehmer die ersten Plätze im Laufen der Jugendklasse B und C, sowie der Mädchenklasse A belegen konnten. Wir lassen nun die Ergebnisse folgen.

Senioren: 400 m: 1. Rafael 55.1, 800 m: 1. Rafael 2.16.8, 3000 m: 1. Hecht 10.49.9, Hochsprung: 3. Rafael 1.55, Dreikampf: 2. Rafael 1653.9. Frauen: Kugelstoßen: 1. Liesl Rosenbaum 8.59, 100 m: 2. L. Rosenbaum 14.7, Weitsprung: 2. L. Rosenbaum 4.02, Speerwerfen: 3. L. Rosenbaum 17.45, Vierkampf: 2. Liesl Rosenbaum 94 P. Jugend A: Hochsprung: 1. Lothar Laub 1.50, Weitsprung: 1. L. Laub 5.71, Kugelstoßen: 2. L. Laub 10.45, Dreikampf: 1. L. Laub 2342.5 P. Jugend B: 100 m: 1. Rudolf Ehrenreich 12.3. Jugend C: 50 m: 1. Lutz Eichbaum 7.2, Mädchen A: 100 m: 1. Lore Reiter 14.4, Hochsprung: 3. Lotte Jasmin 1.20. Mädchen B: 50 m: 3. Trude Günther 8.1, Weitsprung: 2. Trude Günther 4.09, Vierkampf: 3. Trude Günther 1598 P.

Leistungsabzeichen: Nahezu 100 Teilnehmer bewerben sich bis jetzt um das von der Vorstandschaft bewilligte Leistungsabzeichen. In der nächsten Nummer werden wir schon die Ersten, die es bestanden haben, veröffentlichen können.

Städtekegeln Nürnberg–München. Unsere Münchner Kegelfreunde weilten wieder einmal zu Gast bei uns. 50 Kugeln in die Vollen und ein Bilderspiel waren vereinbart. Während Nürnberg in die Vollen mit über 100 Holz vorne lag, konnte München überraschenderweise infolge Versagens einiger Nürnberger Kegler, beim Bilderspiel fast den ganzen Vorsprung aufholen. Nürnberg blieb insgesamt mit 24 Holz Sieger. Bester Mann von den 16 Teilnehmern war Bensinger-München.

Voranzeige. Sonntag 1. Aug., Sportplatz Waldstr. Beginn 13.30 Uhr. Fußball: Itus Nbg. 1 – Hakoah Stuttgart 1, Itus Nbg. 2 – Hakoah Stuttgart 2. Handball: Itus Nbg. Damen — Hakoah Stuttgart Damen. Sonntag, den 15. August, Sportplatz Waldstr., Fußballspiele gegen Bar Kochba Mannheim.

Kinderturnen während der Ferien. Das Kinderturnen in der Turnhalle sowie das Training der Kinder auf dem Sportplatz wird auch während den Schulferien zu den bisherigen Zeiten fortgesetzt. Abmeldungen während der Ferienmonate können wir nicht entgegennehmen.

Jüd. Sport-Club Fürth.

Leichtathletik:
Bei den bayrischen Meisterschaften am 4. Juli in München waren wir der erfolgreichste Verein. Die nach München entsandten 45 Teilnehmer errangen in den 50 Wettbewerben 18 erste, 16 zweite und 20 dritte Plätze. Besonders hervorzuheben sind die Leistungen von Klaber bei den Senioren, Lorch bei der Jugend C, sowie Frl. Mauder in der Frauenklasse und Margot Fleischmann in der Mädchenklasse. Im einzelnen wurden bei den **Senioren:** Klaber erster im 100 m Lauf (11,6 Sek.), im Hochsprung (1,63 m), im Weitsprung (6,32 m), im Kugelstoßen (11,36 m), im Speerwurf (50,80 m), im Dreikampf (1938 P) und zweiter im Diskuswerfen (32,06 m). Walter Rotschild zweiter im 800 m Lauf, Otto Rotschild zweiter im 400 m Lauf, dritter im 800 m Lauf, R. Stahl dritter im 400 m Lauf, Widerschein zweiter im 1500 m Lauf, Löwenberger dritter im 3000 m Lauf. Bei den **Frauen:** Cl. Mauder erste im 100 m Lauf, im Hochsprung, im Weitsprung, im Vierkampf, dritte im Kugelstoßen, Margot Fleischmann erste im Speerwurf, Anneliese Berlin zweite im Speerwurf. Bei den **alten Herren:** Dr. Stahl zweiter im 100 m Lauf, dritter im Weitsprung, Kugelstoßen und Dreikampf. Bei der **männl. Jugend A:** Scheidt zweiter im Hochsprung, dritter im 100 m Lauf. Weitsprung und Dreikampf, Spiegel dritter im Hochsprung. Bei der **männl. Jugend B:** Egler zweiter im 100 Lauf, im Weitsprung, Fränkel zweiter im Kugelstoßen, dritter im Dreikampf, Ottenstein dritter im 100 m Lauf und Weitsprung. Bei der **männl. Jugend C:** Lorch erster im Hochsprung, Weitsprung, zweiter im Vierkampf, dritter im 50 m Lauf, Springer erster im Vierkampf, zweiter im Hochsprung, im Weitsprung und Schlagballweitwurf. Bei den **Mädchen A:** Margot Fleischmann erste im Kugelstoßen und Vierkampf, dritte im 100 m Lauf, Susi Guggenheimer zweite im Kugelstoßen. Bei den **Mädchen B:** Margot Friedmann dritte im Hochsprung. Von den **4 x 100 m Staffeln** gewannen wir die Frauenstaffel (Margot Fleischmann, Gabriele Metzger, Lisa Metzger, Cl. Mauder) und mit großem Vorsprung die Jugend B Staffel (Egler, Rheintaler, Fränkel, Ottenstein). Infolge verschiedener Ausfälle mußten in unserer Mädchenstaffel unsere Kleinsten eingesetzt werden, sie wurden in der Besetzung Illa Krakenberger, Lisl Beck, Eva Levor, Lore Saalheimer hinter Augsburg zweite, vor München, Nürnberg und Augsburg 2. Die Seniorenstaffel (Friedmann, O. Rotschild, W. Rotschild, Klaber) und die **3 x 200 m Jugend A Staffel** (Krakenberger, Fr. Stahl, Scheidt) wurden dritte.

Coburg am 11. Juli. Am Schulsportfest des Internats Hirsch Coburg nahm mit anderen auswärtigen Vereinen auch eine 12 Mann starke Expedition unseres Vereins erfolgreich teil. In ihren Jahresklassen wurden: Fr. Stahl erster im Speerwurf (33.85 m), dritter im Kugelstoßen und Fünfkampf, außerdem kam er mit Spiegel und Egler gemeinsam auf den zweiten Platz im Hochsprung (1.37 m). Rolf Egler wurde außerdem erster im 100 m Lauf (12.1 Sek.), im Weitsprung (5.57), im Speerwurf (33.85) und zweiter im Mehrkampf, Fränkel zweiter im Kugelstoßen, dritter im 100 m Lauf. Lisl Somerich wurde zweite im 100 m Lauf, Weitsprung, Kugelstoßen und Dreikampf, Eva Schuhmann erste im 100 m Lauf, Weitsprung, Kugelstoßen, Vierkampf, zweite im Hochsprung und Speerwurf, Liselotte Stahl erste im Speerwurf, Gabriele Metzger erste im Hochsprung, dritte im 100 m Lauf, Weitsprung, Kugelstoßen, Speerwurf und Vierkampf, Hanna Lauinger erste im Hochsprung, Weitsprung, zweite im Speerwurf, Anneliese Berlin erste im Speerwurf und Kugelstoßen, zweite im Vierkampf, Lisl Beck erste im 100 m Lauf, Frieda Mauder zweite im 100 m Lauf und Weitsprung.

Voranzeige: 8. August Fußball: Schild Heilbronn 1 – JSC. Fürth 1 auf unserem Platz.

STARK-TUCHE Qualitätsstoffe für Herren und Damen N. Stark & Cie. Nürnberg-A

Gottesdienst in der Hauptsynagoge zu Fürth im Monat August 1937.

Sabbateingang: Freitag, 6. August 19.00 Uhr
„ 13. „ 19.00 „
„ 20. „ 19.00 „
„ 27. „ 18.50 „
Sabbatausgang: Samstag, 7. August 20.35 Uhr
„ 14. „ 20.20 „
„ 21. „ 20.05 „
„ 28. „ 19.50 „

29. August 7 Uhr 1. Selichot Tag.
Jeden Sabbatmorgen 9 Uhr, Schrifterklärung 9.30 Uhr.
Neumondsweihe: 31. Juli – Elul.

Gottesdienst in der Neusynagoge.

Sabbateingang: Freitag, 6. August 19.10 Uhr
„ 13. „ 19.10 „
„ 20. „ 19.00 „
„ 27. „ 18.50 „
Sabbatausgang siehe unter Hauptsynagoge!

Wochentags-Gottesdienst.

Morgens 6.15; abends bis 20. 8. 37 19.00 Uhr
v. 22. – 27. 8. 37 18.45 „

Das Rabbinat.

Literatur.

„Der Morgen“, Monatsschrift der deutschen Juden. Philo-Verlag, Berlin W 15. Jahrgang 13, Heft 4. Jahresabonnement RM. 12.– Einzelheft RM. 1.–.

Das Juliheft des „Morgen“ leitet ein farbenfroher Bericht über die Pariser Weltausstellung ein. Gerade an einem der Wendepunkte jüdischer Geschichte regen zwei Arbeiten dazu an, die Wertmaßstäbe unserer eigenen, vergangenen Geschichte gegenüber im Hinblick auf die Zukunft neu zu überprüfen: „Dialogische Geschichte“ von Max Nußbaum und „Säkularisierung des Judentums“ von Ernst Roenau, dem zweiten, ketzerischen Aufsatz fügt die Schriftleitung ein polemisches Nachwort an. Das Feuilleton bedenkt sommerlich das Bad im alten Judentum (von Walter Laaser), Nelly Sachs setzt musikalische Eindrücke in klingende Verse um, und wehmütig frohe Erinnerungen beschwören ein Jugenderlebnis. „Die kleine Stadt taucht wieder auf . . .“. Unter den Glossen ist ein Geburtstagsgruß an J. L. Magnes in Jerusalem, die scharfe Kritik an der Kurfürstendamm-Type „Frau Merktnix“ und die Besprechung der Kulturgeschichte des Altertums von Egon Friedell hervorzuheben.

Holzner, D. Dr. Josef, **Paulus.** Freiburg i. Br. 1937. Herder. Geheftet RM. 5.60, in Leinen RM. 7.40.

Der Autor schildert sehr anschaulich die Entstehung des paulinischen Christentums, indem er in lebendiger, eindringlicher, bildhafter Sprache das Leben und die Leistung des ursprünglich ganz im Pharisäismus verwurzelten Juden aus Tarsus ins Licht stellt. Mit großer Deutlichkeit zeigt das Buch, welche unüberbrückbare, abgrundtiefe Kluft zwischen Judentum und paulinischem Christentum sich auftut, daß hier niemals eine Synthese möglich ist. Wir überzeugen uns von neuem bei der Lektüre dieses neuesten Buches über Paulus, daß ein größerer Gegensatz wie zwischen der Glaubensmystik des Paulus und dem Judentum nicht möglich ist. Jüdischem Denken ist es durchaus unverständlich, wie Paulus zu rechtfertigen versucht, warum das jüdische Gesetz seine Verbindlichkeit eingebüßt hat. „Gerade im Vertrauen auf die überströmende Erlösungsgnade Christi haben wir uns vom Gesetz freigemacht und haben bisher danach gehandelt.“ (S. 129) „Das Gesetz ist tot, abgetan, entrechtet, durch den Tod Christi seiner verpflichtenden Kraft beraubt.“ (S. 129) Holzner identifiziert sich von seinem katholischen Standorte aus mit der paulinischen Auffassung des Judentums. Daher begegnen wir immer wieder Darlegungen, die wir als abwegig bezeichnen müssen, so z. B. wenn Holzner ausführt: „Der ungeheure Geschichtsirrtum des Judaismus bestand ja gerade darin, daß er die ganze Perspektive der Menschheitsgeschichte mit dem Felsblock des Gesetzes und des Tempels verrammelte und die Gnadenführung Gottes in ihrem Laufe aufhalten wollte.“ (S. 20) „Die Judaisten hatten sich mit dem Gesetz, das ursprünglich gut gemeint war, das dem Leben dienen sollte“ (Röm. 7,12) ein Nessusgewand geflochten, das sie innerlich verbrannte.“ (S. 24) Da wo das Dogmatische nicht in Frage kommt, vermag Holzner Wesenszüge Israels richtig zu erkennen und zu würdigen. Er bemerkt, daß es „etwas Ergreifendes und Beispielloses um die Liebe dieses Volkes zu seiner Bibel“ wäre. Bei der Zerstörung des Tempels unter Titus hätten die Juden alle Kostbarkeiten im Stich gelassen, nur um die Bibel zu retten. (S. 17) Diese war der wahre Tempelschatz und wurde nicht ein Raub der Flammen.

Rabb. Dr. Ernst Steckelmacher.

Besuchen Sie die Marmorecke.

Verein für jüdische Krankenpflegerinnen

*Die Mitglieder unseres Vereins werden zu der am **Montag, 9. August 1937** nachmittags 6 Uhr im Gemeindehaus in der Neuen Gasse stattfindenden*

GENERAL-VERSAMMLUNG

eingeladen.

Tagesordnung:

1. *Bericht über die Wirksamkeit des Vereins.*
2. *Rechnungsbericht, Bericht der Revisoren und Entlastung des Schatzmeisters.*
3. *Wahl der Revisoren.*
4. *Anträge von Mitgliedern, sofern sie dem Vorsitzenden spätestens 5 Tage vorher schriftlich angezeigt werden.*

Gäste zur Versammlung

Café-Restaurant Plaut
Telefon 62020 — — Zufuhrstraße 6
Beehren Sie uns in unseren
umgebauten, bestventilierten Räumen.
Im rauchfreien Nebenzimmer

Reise angenehm
mit
Qualitäts-
Koffern

Koffer-Freimann Nürnberg-A Königstr. 72

994
Hans Mayer
Erna Mayer
geb. Kuschnerow
Vermählte
Nürnberg, im August 1937.

993
Dr. med. Willy Heller
Edith Heller
geb. Kohn
Vermählte
Nürnberg, 25. Juli 1937.

1080
Hanna Neumann
Josef Singer
Verlobte
Fürth i. Bay. Café Monopol
Bamberg Zinkenworth 17
München
Empfang findet nur Samstag, 31. Juli/ 23. Aw. Moistr. 10,I statt.

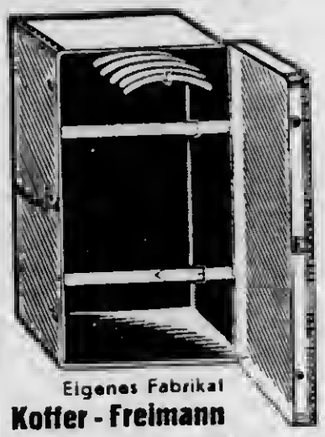
1(XX)
Isi Goldberger
Lotte Goldberger
geb. Homburger
Vermählte
Nürnberg, den 8. August 1937.

1034
Kurt Schlesinger
Thea Schlesinger
geb. Klein
Vermählte
Schmalkalden Auergasse 13
Nürnberg Bucherstr. 45
25. Juli 1937

976 Statt Karten.
Hilde Guckenheimer
Gustav Heinsfurter
Verlobte
Oetendstr. 38 Findelwiesenstr. 21
Nürnberg-O. Juli 1937.

David Hankel
Färberstraße 7
empfiehlt 984
Seiden-Stoffe
für den Sommer
Woll-Stoffe
für die Reise.
Bis 7. August:
Sommer-Schluss-Verkauf!

Transportschrank
Er schont die Kleider!



Eigenes Fabrikat
Koffer - Freimann
Nürnberg-A Königstraße 27
1083 110/55/55 nur M. 60.—

1033
Unsere Ruth ist angekommen
Fritz Kaumheimer und
Frau Lisl, geb. Gutmann
Nürnberg, 23. Juli 1937
Wurzelbauerstr. 2,I

995
Für die Reise
fesche Hemden v. Max Falck, Berlin.
Für das Haus
schöne Bett- u. Tischwäsche v. M. Untermayer, Augsburg.
Musterlager S. AUFHÄUSER
Hindenburgplatz 24/II • Telefon 52770

TEPPICH-HAUS BLUMENFELD ADLERSTRASSE 36
TEPPICHE MÖBELSTOFFE GARDINEN

Reisegepäck-Versicherung
1027 Birnbaum Ruf 60777

Deine Familienanzeige
gehört ins
Gemeindeblatt

Mein lieber Mann, unser guter Vater, Bruder, Schwiegersohn und Schwager

Herr Dr. Max Wassertrüdinger

wurde uns heute im 53. Lebensjahr nach kurzer Krankheit entrissen.

Nürnberg-O, Gossensaß. Schiegelstr. 31

In tiefer Trauer
im Namen der Hinterbliebenen:
Rosa Wassertrüdinger, geb. Wiener.

997

Berücksichtigt beim Einkauf unsere Inserenten

Herrenhüte
werden gereinigt, façonniert, Band und Leder erneuert. Garantiert tadellose, fachmännische Arbeit.
ANSBACHER
Hint. Kartäusergasse 10, Tel. 27920

Unser geliebter Mann und Vater

Dr. Max Freudenthal

Rabbiner i. R.

verschied nach langem Leiden und schwerem Krankenlager am 11. Juli 37 im 70. Lebensjahre.

Für die zahlreichen Beweise herzlicher Teilnahme und treuer Anhänglichkeit, die uns bei seinem Heimgang zuteil geworden sind, danke ich Allen im Namen meiner Familie auf diesem Wege verbindlichst.

München, im Juli 1937.

Unser lieber, unvergeßlicher Vater, Großvater, Bruder, Schwager und Onkel

Herr Max Schwarzhaupt

ist am 9. Juli in New-York sanft entschlafen.

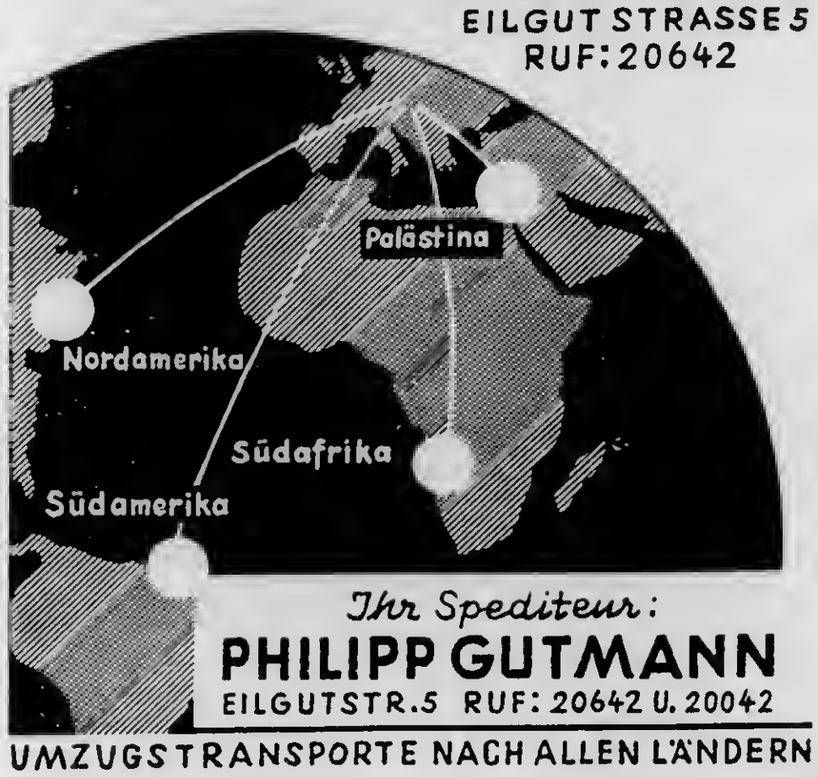
New-York, Scarsdale, Nürnberg, Ermreuth.

In tiefer Trauer:
Emil Schwarzhaupt
Karl Schwarzhaupt und Frau
Margot Schwarzhaupt.

Ihr Reisebüro:

ARTHUR BRAUN

NUERNBERG
EILGUT STRASSE 5
RUF: 20642



Ihr Spediteur:
PHILIPP GUTMANN
EILGUTSTR. 5 RUF: 20642 U. 20042

UMZUGSTRANSPORTE NACH ALLEN LÄNDERN

970
Die Herrenschneiderei für Alle
Bekannt beste Ausführung
Mäßige Preise
S. TRAUBEL
Karolinenstr. 3 · Telefon 22454.

Für die Ferienreise: 1063

Unterwäsche / Strümpfe
Blousen / Taschentücher
Bade-Artikel / Kurzwaren

Forchheimer & Schloß
Obstmarkt 1 FÜRTH Schwabacherstr. 28

1018
32 Jahre **MÖBEL** LEO SCHNEIDER Ceffisstraße 10 (nur im Rückgebäude)
Auswander-Möbel * Ein- und Zweibettcouches,
hervorragend schöne, gediegene **Schlaf-, Speise-, Herren-Zimmer, Küchen, Schreibschränke, Polstermöbel.**

ADRIATICA
Schiffahrtsgesellschaft Venedig

Nach PALÄSTINA
der kürzeste und bequemste Weg über Triest mit den bestbekannten Dampfern

GERUSALEMME
GALILEA · PALESTINA
(je 12000 to)
Sommerfahrpreise bis 15. 9. 1937 **von Triest nach Haifa**
I. Klasse RM. 189 20 inkl. Taxen
Tour.-Kl. RM. 121.35 inkl. Taxen
Abfahrten von Triest jeden Mittwoch 13 Uhr
Reisedauer München-Jerusalem 6 Tage
Auskünfte und Buchungen durch die
Generalagentur für Bayern
München, Odeonsplatz 1, Telefon 27464/21431
und die Agenturen:
Berlin NW 7. Unter den Linden 24. **Frankfurt a. M.,** Kaiserstr. 20
Hamburg, Neuer Jungfernstieg 17, **Stuttgart,** Schillerplatz 4
sowie alle bedeutenden Reisebüros.

EDUARD BERNHEIMER
Zigarren-Geschäft
Rufnummer 51871 Nürnberg-O Sulzbacher Straße 3
Zigarren·Zigaretten·Tabake
Nur erstklassige Fabrikate
Telefon. Bestellungen werden prompt erledigt

Sommer-Schluß-Verkauf
26. Juli — 7. August 1937
SEIDENHAUS LEHMANN
NÜRNBERG-A Karolinenstr. 19/21
1079

DER **SOMMER-SCHLUSS-VERKAUF**
muß eine **vollständige Räumung** aller modischen Sommer-Kleiderstoffe bringen.
Deshalb das **Schönste und Beste jetzt weit unter Preis solange Vorrat.**
JACOB GOLDBERGER · Josephsplatz 20

Pelz-Stock

hat günstige Angebote in

Pelzmänteln

Füchsen

Capes

Neue Modelle

Maßanfertigung

Nur:

Breitegasse 67

987

VERSCHIEDENES

1022 Abgelegte

Herrenkleider

Damenkleider, Mäntel, Wäsche, Betten, Pelze und Nachlaßsachen

kauft **Dorembus,**

Nürnberg, Gabelsbergerstraße 6. Bitte rufen Sie Telefon Nr. 43557

975 **Mein Geschäft ist vom 4. mit 16. Sept. geschlossen.**

Arnold Friedlein

Königstorgraben 3

1019 Wir bieten *große Vorteile*

im **Sommer = Schluß = Verkauf**

Nutzen Sie die **günstige Gelegenheit**

Spitzenhaus Michel & Grünebaum Fleischbrücke 6/8

ARZTETAFEL

Praxis wieder aufgenommen.

Dr. F. Offenbacher

Zahnärztin

983

Fürth

Friedrichstraße 26 I

1001 Augenarzt

Dr. Heller

vord. Sterngasse 1

verreist bis 15. August

Prof. E. Nathan

Verreist von Mitte August bis Mitte September

1045

UNTERRICHT

Englischen Unterricht, Konversation, (Amerikanisch) erteilt

1002 **Samson**

Sulzbacherstraße 22 / Telefon 53238

1009 Herr mit 20jähr. Auslandspraxis erteilt nach bewährter Methode

engl. Unterricht

(auch Handelskorrespondenz) in und außer Haus. Mäßig. Honorar.

Telefon 50282 von 8-9 u. 2-3 Uhr. Zuschriften unt. Chiff. 615.

Gesangs-Unterricht

für Anfänger u. Fortgeschr. Stimm-Prüfung kostenlos. Erstklassige Referenzen! Mäßiges Honorar. 1053

Jenny Kaufmann

Prinzregenten-Ufer 13 part.

Sprachunterricht

(Auslandserfahrung)

Spanisch, Englisch, Italienisch, Französisch + Uebersetzungen

Eduard Reizenstein

Paradiesstraße 13 Tel. 43019

STELLEN SUCHEN

Junger jüdischer Mann sucht 1014

Büro- und Lagerarbeit

bei besch. Anspr. Off. u. 621.

Bessere jüdische Frau, 1012

zuverlässige Hilfe

bei Krankheit, Wochenbett, Reise der Hausfrau, Stunden, Halbtags, tücht. in Küche u. Haus. Chiffre 618.

Junges jüd. Mädchen 1011

sucht Stellung zu Kindern od. im Haushalt, evtl. auch ins Ausland. Offerten unter Nr. 613.

Tücht. jüd. Kaufmann 1007

sucht Beschäftigung. (Büro, **Lager** od. **Vertretung**). Off. u. Nr. 614.

Kinderl., geb. jüd. Mädel sucht 998

Ferienstellung

evtl. in Landaufenth. Off. u. 623.

Kaufm. Angestellter 1038

35 Jhr., Jude, mit flotter, schöner Handschrift, sicherer Rechner, im Maschinenschreiben bewand., sucht p. sof. Stelle. **Nr. 920 an J. Gradmann, Fürth.**

Erste Kraft 986

Jude, für Korresp., franz., engl., Reise, Einkauf, Verkauf, Lager, ganz selbst., per sofort oder später auch aushilfsw. Chiffre 609

Suche für Küche und Haus, in rituell jüdischen Haushalt (Frauenlos oder kf. Familie) mit best. Jahreszeugn. p. sof. od. später enispr. **Wirkungskreis.** Off. unter 922 an J. Gradmann Fürth, Frfedrichstr 7 1064

Seriöse jüd. Dame sucht Beschäftigung 1061

evt. als Gesellschafterin, hifft auch i. d. Küche u. allen leicht. Arbeiten. Off. u. 626.

Hausgehilfin 1067

Wo fehlt tücht. jüng. jüd. Kraft f. halbtags od. Tagesstellung, auch stundenweise. Gefl. Offerten unter Chiffre 25f.

Kaufmännische Kraft

(jüd. Dame) in Büro u. Verkauf gleicherweise bewandert sucht Wirkungskreis, event. auch für Halbtage. Off. unt. 250. 1073

Seriöser jüdischer Kaufmann 1027

Ende vierzig, in Steuersachen, Buchführ. u. allen kaufm. Sparten erfahren, mit Kenntnissen in Franz. u. Engl., sucht f. ständig od. tageweise Beschäftigung. Angebote unter 253.

Unfall-Versicherungen

1021 **Birnbaum** Ruf 60777

Haftpflicht-Versicherungen

1026 **Birnbaum** Ruf 60777

STELLEN FINDEN

Keine Originalzeugnisse den Bewerbungen beifügen! Zeugnisabschriften, Lichtbilder usw. stets mit Namen und Anschrift ihres Besitzers versehen!

1015 **Jüd. Stenotypistin**

vertraut mit allen Kontorarbeiten ges. Angebote mit Zeugnis-Copien erbeten.

Bayr. Kleiderfabrik J. Abraham, Nbg If.

Perfekte Bürokraft

jüd., mit allen vorkomm. Arbeiten vertraut, für sofort gesucht.

977 Offerten unter Nr. 610.

Tücht. jüdisch. Fräulein

für Kinder und Küche zum 1. September für rituellen Haushalt gesucht.

f041 Putzfrau vorhanden.

Paula Felsenstein, Fürth i. B.

Friedrichstr. 17,1 – Telef. 73420

Gewandte jüd. Köchin 1039

bei guten Bedingungen p. 1. Sept. ges. Ausführl. Offerten u. 919 an **J. Gradmann, Fürth, Friedrichstr. 7**

Jüdische(r) 1046

Stenotypist(in)

vertr. m. vorkomm. Büroarb. v. jüdisch. Spiegelmanufakt. sof. ges. Ausf. Bewerbungsschr. m. Zeugnisabschr. u. Off. 622.

Nettes, schulfreies, jüdisches 1056

Mädchen

als **Sprechstundenhilfe** in Zahnpraxis gesucht. Fürth, Frfedrichstr. 26/f.

Tüchtiger jüdischer **Vertreter** 1068

od. **Reisender** m. Führerschein — Wagen vorhanden — von alteingeführter jüd. Reklame- u. Zugabeartikelfirma sofort ges. Off. unter Chiffre 899.

Gewandte jüdische

Buchhalterin,

ferner jüngere perfekte jüd.

Stenotypistin

zum baldmöglichsten Eintritt von jüd. Exportgeschäft ges.

Angebote unter 900. 1075

Bürokraft 1074

jüdisch, mögl. mit engl. Sprachkenntn. per sof. gesucht.

Angebote unt. Chiffre 252

Gewandte jüdische

Stenotypistin u. Buchhalterin

stellen sofort ein 1070

N. Gerst & Sohn, Kitzingen a. M.

Jüngeres jüdisches 1057

Mädchen

für kleinen jüd. Haushalt per 1. ... evtl. früher gesucht.

Freimann, Königstraße 27 II.

Adressen-Tafel

1066

des Vereins jüdischer Handwerker in Nürnberg.

Chem. Reinig. u. Bügelanstalt:	**Bressler, Hermann,** Fürther Str. 59.
Damenschneiderin:	**Schwarz Selma,** Kaiserstr. 5/II.
Dampfbettenreinigung, Federn:	**Lehmann Max,** Adolf-Hitler-Platz 2, Tel. 25994.
Dekorateure u. Tapezierer:	**Herz Hermann,** Adlerstr. 33, Tel. 21508.
Elektr. Anlagen und Radio:	**ERLE G. m. b. H.,** Johannisstr. 9/11 Tel. 27011.
Glaserei:	**Schulz Karl,** Brunnengäßchen 28 (beim Rathaus) Tel. 21548.
Gärtnerei:	**Klein Julius,** Schnieglingerstr. 155, Tel. 23415.
Uhrmacherei u. Goldwaren:	**Brenner Adolf,** vord. Sterng. 16, Tel. 27570.
Herrenschneiderei:	**Wilmersdörfer Alfred,** Pillenreutherstr. 43. Tel. 41373.
Kürschner:	**Heß Moritz,** Fürther Str. 61, Tel. 60361.
Maler und Tüncher	**Blumenfrucht J. P.,** Zufuhrstr. 20, Tel. 61715.
	Preuß Willi, Mühlgasse 15, (Rückseite der Ortskrankenkasse) Tel. 27333.
Metzgerei, Wurstw. u. Geflügel:	**Weil Josef,** Breite Gasse 83, Tel. 25638.
Modistin:	**Gundelfinger Ella,** Königstr. 33/I (im Ostermayr Haus) Tel. 26474.
Radio-Anlagen u. Reparaturen:	**Schulz Rudolf,** Brunnengäßchen 28 (beim Rathaus) Tel. 21548.
Schneidereien (auch für Damen):	**Meyer Gustav,** Fürtherstraße 12, Tel. 61371
	Traubel Sal., Karolinenstraße 3, Tel. 22454.
Schuhmachereien:	**Mebi Jakub,** Ammanstr. 4
	Meyer Ludwig, Platenstraße 11.
Wäscheschneiderin:	**Heß Regina,** Flaschenhofstr. 5.
Zahnbehandlung:	**Krischer Paul,** Fürther Straße 60, Eing. Willstr.
	Silberpfennig Lina, Adolf-Hitler-Platz 3, II. Tel. 27527.

Synagogenplatz

Herrensitz, Mittelgang, zu verm.
1059 Offerten unter 627.

In Fürth

1042
sucht alleinstehende Dame zum Mitbewohnen oder zum Schlafen Fräulein oder Frau. Offerten unter 916 an Jacob Gradmann, Fürth, Friedrichstr. 7.

ZU VERMIETEN

Schöne 1081
4½ Zimmerwohnung
mit Nebenräumen, Preis Mk. 100.—, **Fürtherstraße 91/I** zu vermieten. Näheres dort III. Stock.

Einfach möbliertes 1047
Schlafzimmer
preiswert zu vermiet. Telefon u. Bad vorhand. **Gustenhofer Hauptstr 38/I.**

1048
Zimmer
groß, sonnig, eingerichtet (Bücherschr., Schreibtisch etc.) zu vermieten.
Katz, Fürth, Hornschuchpromen. 20/II.

Bauerngasse 36, 3. Stock 1054
6½ Zimmerwohnung
m. Bad p. 1. Okt. zu verm., ev. als Teil-Wohnung. **Tel. 63487** auß. Sonnabend.

Nächst der Königstr. sind 1058
2 Zimmer im 2. Stock
passend für Geschäft zu verm. Keine Kochgelegenh., k. Bedienung. Off. u. 895.

2 schöne, leere Zimmer
unmöbliert mit Küche in zentraler Lage per sofort zu vermieten. 1069
Näheres Telefon 20537.

6 Zimmerwhg.
mit Zubehör, 3. Stock, Balkon, Südseite. RM. 115.— per 1. Okt. zu verm. 1071
Böhm, ob. Pirkheimerstr. 57. Tel. 52996.

Steinbühlerstr. 10,II (Plärrer)
Teilwohnung - Büro
1072 zu vermieten.

3 Räume f. Geschäftszweck,

55.– RM. Nähe Plärrer zu vermiet.
1029 Off. Schließfach 338 Nürnberg.

1028
5 Zimmer-Wohnung
3. Stock, Bad, 2 Nebenräume. **115 RM.** per 1. 10. zu vermiet.
Leu Schneider, Cellistr. 10.

Schönes, gut möbliertes 1013
Zimmer
in gutem Haus sofort zu vermieten.
Dr. Wilhermsdörfer
Telefon 27081. Adlersir. 35, II.

Möbliertes Zimmer

mit Verpflegung sofort zu vergeben.
1010 **Landau,** Findelwiesenstr. 28.

1008
3. Stockwohnung
mit 4 Zimmern, Kammer, Bad und Diele
per 1. Oktober z. verm.
Preis pro Mt. 95.75 RM.
Telefon Nr. 26195.

1006
6 Zimmer-Wohnung
3. Stock, Südseite, mit sämtl. Nebenräumen pro Mt. RM. 148.20 per 1. Okt. zu vermieten. Näheres Rielerstr. 6, I.

Herrschaftliche, sonnige 1005
6 Zimmer-Wohnung
mit sämtl. Nebenräum., Plärrern., mod. gerichtet, ev. Etagenheizung, per sofort zu vermieten. Telefon 63349

Ihre Buchdruckerei
Lauer & Brehm, Nürnberg-N
Friedrichstraße 20 Fernruf 5 08 66

Kleinanzeigen

haben besten Erfolg!

ZU VERMIETEN

1004
3 Zimmer
Gard., Küche, Badbenutzg., Etagenheiz. (Teilwohn.) in gut. Privathaush., g. Lage p. 1. Sept. zu verm. Offert. unt. 617.

2 od. 3 gr. leer. Frontzimmer
Bad- und Küchenmitbenütz., Dampfheiz. Nähe Postscheckamt per 1. Okt. evtl. früh. abzugeb. Angeb. u. 616. 1003

Fürth, Bahnhofstr. 11,II
sonn. abgeschl. Wohng. (2 gr. Zimmer u. sehr geräum. Wohnk. nebst Zubehör) in Untermiete abzugeben. Besichtigung 11—12. Telefon 71630. 982

979
Elegant. Zimmer
m. Dampfheizg. fl. warm. Wasser zu vermieten. **Sandrartstr. 24, I r.**

Schön möbl. Zimmer
Nähe Josefsplatz sof. zu vermiet.
978 Off. u. 598 od. Tel. 27863.

In bester Lage von 1037
Fürth
sehr schöne 3 Zimm.-Whng., Küche, Bad, Diele, Warmwasserhzg. z. verm. Off. 921 an J. Gradmann, Fürth, Friedrichstr. 7.

974
2 Zimmer (möbl. od. leer)
mit Balkon, Heizg.-, Bad- u. Tel.-Ben. und kl. Küche ab 1. 9. zu vermieten.
Putzel, Zufuhrstr. 15. Tel. 27924.

Alle 1025
Auto-Versicherungen
Birnbaum Ruf 60777

Fürth, Maxstraße 11,I
2 sch. Südzimmer
davon eines mit Balkon, mit Bad- und Küchenbenütz. in gepflegtem Haushalt per 1. Oktober z. verm. Telefon, vorherige Anmeldung u. Rufnummer 70741 erbeten.

Zur Leipziger Herbst-Messe
Einzel- und Doppelzimmer
mit u. ohne Komfort, 5 Min. v. Königsplatz, nur an Aussteller abzugeben. Anfragen erbeten an
1035 **Else Behrmann**
Leipzig C1, Sidonienstr. 63.

Fürth, Hornschuchprom. 1011
eleg. möbl. gr. Wohn-, Doppelschlafzimmer, Bad, Küche, Zentralheiz.

MIETGESUCHE

Per 1. Oktober 1016
2 möblierte Zimmer
(Wohn- und Schlafzimmer) mit Küchen- u. Badbenutzg., möglichst m. Heizg., v. jung. Ehepaar ges. Offerten unt. 624.

666
Schön möbl. Frontzimmer
von geb. ält. Dame ges. Nur gut. Haus. Küchenbenütz. od. sonstwie Kochgelegenheit. Nicht ruhell. Offert. unt. 911.

4 Zimmerwohnung
für ält. Ehepaar p. 1. 10. 37 ges.
980 Off. m. Preisangabe unt. 599.

Möbl. 2-3 Zimmerwhng.
abgeschlossen, mit Bad, Küche etc. auf 1. Sept. oder später im Zentrum ges.
911 Offerten unter 239.

1044
Für Herbst 1937 evtl. früher für kleinen kinderlosen Haushalt modern, gut ausgestattete
4-5 Zimmerwhg.
(in Nürnberg od. Fürth) möglichst mit Heizung ges.
Zuschriften unter 914 an
Lauer & Brehm Nbg., Friedrichstr. 20.

1043
In Fürth
2-3 Zimmer m. Küche (evtl. Wohnküche) zu mieten ges. Off. unt. 915 an J. Gradmann, Fürth, Friedrichstraße 7.

1040
2 Zimmer
mögl. m. Wohnküche ges. Off. u. 917 an J. Gradmann, Fürth, Friedrichstraße 7.

6 Zimmer-Wohng.
oder leerstehendes Haus (ev. mit Grundstück) am Stadtrand oder Vorort Richtung Mögeldorf, Erlenstegen, Zerzabelshof etc. gesucht.
Off. an Hechaluz, Lindenaststr. 6.

Alte Dame sucht einfacheres 1049
Zimmer
m. Verpfl. Off. m. Preisang. u. 898.

2 Zimmerwohnung
mit Küche evtl. Teilwohng. per 1. Sept. od. 1. Okt. von jung. Ehepaar gesucht.
1050 Offerten unter 897.

Wir suchen **4 Büroräume**
mit 100 qm oder eine 1052
4-5 Zimmerwohnung
gute Lage. **Näheres Telefon 22968**

1053
Gr. leeres Zimmer
zu miet. ges. Off. unt. 896.

Suche 1051
3 Zimmerwhg.

S. Wilmersdörfer & Co.
Inh.: **MAX HAHN** 971
FEINE
HERRENSCHNEIDEREI
Essenweinstr. 5 · Telef. 22238

S. & E. FLEISCHMANN
Fabrik sämtl.
Oel- und Lackfarben
Verkaufsstellen:
Gibitzenhofstr. 15a Praterstr. 5
Telefon 60905 1017

Die neuen 1032
RADIO-
Typen 1937/38
ERLE
RUF 27011

Glaser-Arbeiten
Alle Glaserarbeiten
fachmännisch u. preiswert
durch 964
Hugo Kastor
Tafelfeldstr. 15 · Telefon 44108

BAD BRÜCKENAU
990
Hotel Kaufmann
Bad Brückenau

Ruhiger u. angenehm. Aufenthalt
Telephon 218
Über die ganzen Herbst-
feiertage geöffnet!

963
Kinderheim Sonnenhalde
Bollschweil *über Freiburg, südl. Schwarzwald.*
Idealer Ferien- u. Daueraufenthalt für Kinder von 4-14 Jhr. Unterricht im Hause. Ärztliche Aufsicht.
Leitung: Dr. med. Elisabeth Müller. Dr. phil. Annerose Heitler.

J. P. BLUMENFRUCHT 1034
DEKORATIONSMALER- UND TÜNCHERGESCHÄFT
NÜRNBERG-W * ZUFUHRSTRASSE 20 * FERNRUF 61715.

Auto-, Haftpflicht-, Unfall-, Feuer-, Einbruch-Diebstahl-, Lebens-, Renten-, Kranken-, Maschinen-, Wasserschaden-, Glas-, Aufruhr-
Versicherung
Auswanderer u. Reisegepäckversicherung
Frieda Birnbaum
Nürnberg, Dennerstr. 2, Tel. 60777

Zigarren, Zigaretten, Tabake
Pfeifen — feinste Qualitäten
Echte Importen 965
Alfred Berlin
Nürnberg-O
Marienstr. 8 — Telefon 20046

Wir beraten und bedienen
Auswanderer
zuverlässig und gut.
Der Weg lohnt sich immer zu 1020
M. Weinheber
FÜRTH, Hindenburgstr. 3-5
Telefon 71508
Das Spezialhaus für Wäsche-Ausstattungen und Gardinen.
Spezialität: Handgearbeitete Tisch- und Bettwäsche eigener Herstellung

Ihre Glaserarbeiten
macht gut und preiswert
der Fachmann
Tel. 21548 **KARL SCHULZ**
Nürnberg-A – Brunnengäßchen 28
969 Fürth – Friedrichstraße 12

Daunendecken · Bettenreinigung · kompl. Betten
Fernsprecher 25994 **LEHMANN** Adolf-Hitler-Platz 2

985
Größte Vorteile
im ***Sommer-Schluß-Verkauf***
in Damenhüten
Billigste Umarbeit
Persönliche Beratung
ELLA GUNDELFINGER
Königstraße 33/I Ostermayrhaus

Hermes Baby. Die wirklich tragbare, federleichte **Reisemaschine** im Stahlkoffer. Trotz ihrer Form unbedingt stabil. Fast Hunderttausend stehen bereits in aller Welt. 6 cm hoch. Gewicht nur 3,8 kg. Ausführl. Angebote mit Prospekt bereitwillig. Probebestellung auf Wunsch, damit Sie kritisch prüfen können.

S. Gutmann, Inh. Theodor Marx
STUTTGART W. 1., Silberburgstraße 159
1062

Verantwortlich für den redaktionellen Teil: Studienrat M. Bernheimer, Nürnberg-O, Rudolfstr. 13, Tel. 51871 - Für den Fürther Teil: Distriktsrabbiner Dr. Behrens. - Für Anzeigen: Julius Lauer, Nürnberg. - Druck und Verlag: Lauer & Brehm, Buchdruckerei, Nürnberg-N, Friedrichstr. 20, Tel. 50866. - Bezugspreis für Nürnberg-Fürth jährlich RM. 1 auswärts unter Streifband RM. 3.—. - D. A. 2600, II Vj. 37, gültig z. Z. Preisl. 3.

Oberstudienrat leugnet die Existenz der NS-Gaskammern

Hans-Jürgen Witzsch schließt sich in einem Brief dem englischen Historiker Irving an

Lehrer leugnet Massen-Vergasung

Stadt prüft neue Schritte gegen seit langem umstrittenen Oberstudienrat an der Wirtschaftsschule

Der durch rechtsradikale Äußerungen zur NS-Vergangenheit bekannt gewordene Nürnberger Deutsch- und Geschichtslehrer Hans-Jürgen Witzsch sorgt mit einer bisher von ihm nicht öffentlich vertretenen These für neuen Wirbel.

In einem Brief an den Bayerischen Rundfunk beschwert sich der heute 53jährige Pädagoge als Vorsitzender des „Arbeitskreises für Zeitgeschichte und Politik" über einen Bericht im „Bayernmagazin" vom 13. Januar. An einem Tag war der englische Historiker David Irving vom Landgericht München wegen Beleidigung und Verunglimpfung des Andenkens Verstorbener zu 30 000 Mark Geldstrafe verurteilt worden, weil er bei einem Vortrag in der Landeshauptstadt die Existenz von Gaskammern in Auschwitz bestritten und dies in der Verhandlung bekräftigt hatte.

Dem Autor des Rundfunkbeitrags war das Verfahren hält Witzsch nicht nur vor, zu lügen und den Briten zu verleumden, sondern er schließt sich ausdrücklich Irvings Auffassung an. „Danach steht für mich wie für viele andere Historiker außerhalb jedes vernünftigen Zweifels fest, daß die Behauptung von Gaskammern in der NS-Zeit als Vernichtungseinrichtungen eine Erfindung der Kriegs-Greuelpropaganda ist, für die es keinerlei Sachbeweis gibt", schreibt er.

In seinen seit Ende der 70er Jahre bekanntgewordenen Äußerungen — damals war er noch CSU-Mitglied und Stadtrat — hatte Witzsch vorwiegend die Kriegsschuld Deutschlands zu verharmlosen und die Zahl der Opfer in Konzentrationslagern als „nicht belegbar" darzustellen versucht. Die Stadt suspendierte ihn deshalb 1981 vom Dienst an der städtischen Wirtschaftsschule, doch konnte er sich vor Gericht erfolgreich gegen eine Entlassung wehren. Vorübergehend an die Peter-Vischer-Realschule versetzt, unterrichtet Witzsch seit 1991 wieder an seiner ehemaligen Schule.

Nachdem auch die Stadt Kenntnis von dem Schreiben ihres Angestellten erhielt, sei „sofort alles Erforderliche getan worden", versichert Dieter Wolz, der Leiter des städtischen Schulwesens. Derzeit werde geprüft, ob Witzsch mit Äußerungen wie den genannten auch Schüler im Unterricht beeinflußt hat. Weitere Angaben — etwa über ein mögliches neues Disziplinarverfahren — lehnte er unter Hinweis auf die „laufende Personalangelegenheit" ab.

Die Gewerkschaft Erziehung und Wissenschaft, die den Lehrer aus ihren Reihen ausgeschlossen hat, meint in einer Erklärung, Witzsch zeige, daß „für ihn die Zeit des Kreidestrassens vorbei ist". woh

Hans-Jürgen Witzsch. Foto: Archiv

Oberstudienrat leugnet die Existenz der NS-Gaskammern

Für Lüge bestraft

Gericht: Andenken der ermordeten Juden verunglimpft — 5000 Mark

Der durch rechtsradikale Äußerungen zur NS-Vergangenheit mehrfach in die Schlagzeilen geratene Nürnberger Deutsch- und Geschichtslehrer Hans-Jürgen Witzsch ist vom Amtsgericht Fürth zu einer Geldstrafe von 5000 Mark verurteilt worden, weil er die Existenz von Gaskammern zur Vernichtung des jüdischen Volkes im Dritten Reich bestritten hat.

Aus Verärgerung über eine Radiosendung hatte der 54jährige Oberstudienrat im Januar vergangenen Jahres in den bayerischen Rundfunk geschrieben und den englischen Historiker David Irving, der die Realität der nationalsozialistischen Vernichtungslager ebenfalls leugnet, vehement verteidigt. In seinem Brief teilte er den Verantwortlichen in München mit, er als Geschichtswissenschaftler sei nach jahrelangen Forschungsarbeiten davon überzeugt, daß „die Behauptung von Gaskammern in der NS-Zeit als Vernichtungseinrichtungen eine Erfindung der Kriegs-Greuelpropaganda ist, für die es keinen Sachbeweis gibt".

Anspruch gegen Strafbefehl

Hans-Jürgen Witzsch hatte daraufhin einen Strafbefehl wegen „Verunglimpfung des Andenkens Verstorbener" erhalten, weil er nach Ansicht der Staatsanwaltschaft den jüdischen Opfern des Massenmordes mit seinen Behauptungen „ihr einzigartiges und grausames Schicksal" absprechen" habe. Gegen den Strafbefehl jedoch hatte Witzsch Einspruch erhoben.

Eine Stunde lang nahm der Lehrer vor dem Fürther Amtsgericht zu dem Vorwurf Stellung und verlas eine schriftliche Erklärung. Er gab sich dabei als rechtschaffener Historiker, dem es nur um die Wahrheit gehe. Mehrfach betonte der Angeklagte, er sei keinesfalls Antisemit und leugne die Massaker auch nicht insgesamt. Doch habe es seines Wissens nach keine Ermordungen in Gaskammern gegeben. Auch lägen die Zahlen der während der Naziherrschaft umgekommenen Menschen wohl um einiges zu hoch. Sich selbst verglich Witzsch mit Galileo Galilei, der vergeblich versucht habe, seine Richter von den Tatsachen zu überzeugen.

Vergleich mit Inquisition

Im Sitzungssaal des Gerichts saßen mehr als 50 überwiegend ältere Anhänger des Oberstudienrates, von denen viele die Pausen nutzten, um dem Lehrer die Hand zu schütteln. Die etliche Zuschauer die Meinung vertraten, daß dem Angeklagten Unrecht geschehe, wurden bitterböse Kommentare laut und die Justiz mußte sich den Vergleich mit der mittelalterlichen Inquisition gefallen lassen.

Der Richter machte jedoch in der Urteilsbegründung deutlich, daß die Existenz von Gaskammern, mit denen die Vernichtung der Juden perfektioniert wurde, eine „offenkundig feststehende" Tatsache sei. Das Grundrecht auf Meinungsfreiheit bedeute aber nicht, daß man solche Tatsachen einfach verneinen dürfe. Die Juden hätten ein ganz besonders grausames Schicksal im Dritten Reich erlitten, das ihnen niemand straflos absprechen kann. Das Urteil ist noch nicht rechtskräftig. gs

Dienstenthebung nicht revidiert

„Entlarvender" Einsatz der Rep

Antrag zugunsten des verurteilten Lehrers Witzsch einmütig abgelehnt

Der Personalausschuß des Stadtrats hat erneut einstimmig die vorläufige Dienstenthebung des wegen seiner rechtsradikalen Äußerungen bekannten Oberstudienrats Hans-Jürgen Witzsch gebilligt. In nichtöffentlicher Sitzung schmetterten alle stimmberechtigten Stadträte einen gegenteiligen Antrag von Republikaner-Stadtrat Franz Fischer ab.

Der Rep-Vertreter, der auch für den Bundestag kandidiert hatte, wollte erreichen, daß der zuletzt im Juli in zweiter Instanz verurteilte Deutsch- und Geschichtslehrer weiter unterrichten darf, bis auch das Revisionsverfahren abgeschlossen ist. Wie mehrfach berichtet, leugnet der 54jährige die Existenz von Gaskammern in Auschwitz, die er als „Erfindung der Kriegsgreuelpropaganda" bezeichnet.

Das Landgericht hat ihn deshalb wegen Beleidigung und Verunglimpfung des Andenkens Verstorbener schuldig gesprochen. Für die Stadt geht es dagegen vorläufig darum, schon vor einer endgültigen Disziplinarentscheidung weiteren Schaden von der Wirtschaftsschule und den Schülern abzuwenden.

„Selbst demaskiert"

Der Personalausschuß benötigte nur eine kurze Debatte, um zu seiner klaren Entscheidung zu kommen. Mit seinem Ansinnen habe sich der Rep-Stadtrat „selbst entlarvt, sein Mäntelchen abgelegt und deutlich gezeigt, wo er in Wahrheit steht", sagte Arno Hamburger (SPD). Für Empörung im Ausschuß hatte vor allem die Begründung Fischers gesorgt, in der er durch Hinweis auf die ungewisse Opferzahl bei der Bombardierung von Dresden auch die Massenvernichtung der Juden erneut zu relativieren und zu verharmlosen versucht. no

Oberstudienrat leugnet Auschwitz

Lehrer soll gehen

Grüne sehen Schüler neonazistischem Gedankengut ausgesetzt

Die Grünen forderten im bayerischen Landtag Kultusminister Hans Zehetmair auf, den Nürnberger Oberstudienrat Hans-Jürgen Witzsch vom Dienst zu suspendieren.

Der Pädagoge hat mehrfach die Vergasung von Juden in Auschwitz geleugnet. Dafür wurde er vom Landgericht Nürnberg-Fürth im Juli zu einer Geldstrafe von 5000 Mark verurteilt. (wir berichteten)

Helmut Brückner, bildungspolitischer Sprecher der Grünen, drängte Zehetmair darauf, unverzüglich zu handeln. Das Kultusministerium weist jedoch darauf hin, daß Witzsch an einer städtischen Schule angestellt ist. Zuständig ist in diesem Fall ausschließlich die Stadt Nürnberg.

Mr. Frank A. Harris
14 Soundview Avenue, C-5 Apt. 25
White Plains, New York 10606

February 8, 1995

Herr Klaus Kriegel
Richter Beim Landsgericht Nuernberg-Fuerth
Fuerther Strasse 110
90429 NBG - Bavaria
Germany

Re: Mr. Hans-Jurgen Witsch

Dear Judge Kriegel:

Permit me to introduce myself. I am Frank A. Harris, formerly Franz Hess, born in Fuerth Bavaria on December 7, 1922. I attended the Volkschule as well as the Oberrealschule until 1936 when it became impossible for Jewish students to get an education at the Oberrealschule. Later on, I attended the Jewish Realschule, as a classmate of Henry Kissinger, until the infamous Kristallnacht, November 9, 1938, when my father was deported to Dachau.

The reason for such a lengthy introduction is to acquaint you with my childhood, basing my comments which follow on personal experience and, to an even greater degree, on the loss of hundreds of my friends, relatives, and classmates in Auschwitz, Riga, Treblinka, and tens of other camps. See map attached.

While attending the Fuerth Oberrealschule, I, too, became a victim, along with my other Jewish classmates, of vicious attacks, insinuations and accusations by teachers. Specifically, I recall a Mr. Villsmeir and a Mr.Steinhardt, who regularly incited gentile students against their Jewish classmates by reading aloud the infamous Nazi paper, "Der Stuermer".

The instructional power and influence of teachers on students should oever be underestimated. They contribute greatly to the hatred of one group against another.

The editor of "Der Stuermer" was none other than Julius Streicher who proudly proclaimed that he, too, was a teacher and Oberstudienrat.

For the past 15 years, I have been involved personally in researching the whereabouts of survivors from Nuernberg and Fuerth who were scattered around the world, some survivors of Nazi death camps.

Any German court in the 1990's who allows any teacher of any rank to question the former existence of Nazi death camps is, in itself, permitting a criminal act, a blatant and vicious lie, if you please, concerning the systematic extermination of millions of Jews, Catholics, Communists, gypsies, underprivileged and retarded, and others.

Freedom of speech should never be extended to anyone denying documented historical truth. To punish the criminal, Mr. Witzsch, with a financial penalty of DM 5,000, rather than a prison term or loss of his teacher's credentials, is a sad example of German justice.

One reason for my refusal to return to Germany is to spare myself the agony of listening to denials by people like Mr. Witzsch about the existence of camps like Auschwitz. Your generation of Germans has a huge responsibility, not only admitting to past crimes of such magnitude, but also you have a solemn obligation to prevent them from ever happening again.

An early response on the punitive steps taken to prevent such future injustices against students is expected and appreciated.

Very truly yours,

Frank A. Harris

Ed.: We share with you Herbert Kolb, Ernest Regan and my correspondence with Judge Klaus Kriegel to voice our disgust concerning Studienrat Witzsch's denials about the esistence of gas chambers and estermination camps. For his historical distortions, he was penalized DM 5,000, rather than a long, rehabilitative prison term.

An das Landesgericht
Nuernberg-Fuerth
zu Haenden des vorsitzenden Richter
Herrn Klaus Kriegel
90429 Nuernberg
Fuertherstr.110

Ernest Regan
(Ernst Regensburger)
9121 Cresta Drive
Los Angeles,Ca.90035

Los Angeles,Calif.20,March 1995

Sehr geehrter Herr Kriegel:

Als ein ehemaliger Nuernberger Buerger bin ich - trotz allem was man mir und meiner Familie angetan hat,- interessiert was in meiner Geburtstadt vorgeht.

Ich bin empoert im"Stern" vom "Braunen Gift im Klassenzimmer" zu lesen. Ich war Haeftling # 193061 im KZ.Auschwitz. Meine Nummer am Arm macht sicher, dass ich diese grausame Zeit niemals vergessen darf; oder glaubt Herr Witzsch vielleicht ich habe sie selbst aus Spass verewigt?

In Auschwitz arbeitete ich im Eletriker Kommando. Im Herbst 1944 habe ich persoenlich mitgeholfen in der Gaskammer sowie im Krematoriu die Lichtschalter, Lampenfassungen & Leitungen und was sonst noch benutzbar war, ab zu montieren. Ich sehe noch heute vor mir die numerierten Kleiderhaken,(dass jeder seine Kleidung wiedef findet!) Die"Brause Duesen" (die niemals mit Wasserleitungen verbunden waren, die Säulen zur"Luft Regelung" von welchen das Gift Gas entlassen wurde. Und dann waren die schweren Eisentueren die das Ganze luftdich verschlossen haben mit einem kleinen Fenster um zu sehen, dass das Gas gewirkt hat.

Sind das die " technischen Details " die Herr Witzsch "mit anderer Meinung"ansieht?? oder bezweifelt er die Existenz der Zangen und Kisten voll mit Goldkronen, die man den Haeftlingen heraus gezogen hat Ich habe dies alles mit meinen eigenen Augen gesehen und es ist mir unbegreiflich, dass irgendjemand diese grausamen Untaten rechtfertige will und kann.

So ist es mir unverstaendlich, dass man Herrn Witzsch nur zu einer Geldstrafe von 5,000DM verurteilt hat & ihn dann weiterhin lehren laes Damit ist es auf keinen Fall getan. Als Lehrer ist er bestimmt mit Strafarbeiten bekannt und finde ich folgende Aufgabe mehr als angebra Eine komplette Liste mit den Nahmen,Wohnort & Alter ALLER Opfer des Dritten Reiches zusammen zu stellen und selbe jeden Sonntag am Eingang des K.Z. Dachau auszuteilen. Oder sollte man Gleiches mit Gleichem vergelten wollen, wuerde ich Herrn Witzsch zum juedischen Friedhof senden und ihn jeden Grabstein der am 9. November 1938 getoeten Nuernberger Buergern mit seiner Zunge sauber machen zu lassen. Aber das wäre doch unmenschlich. Hat Herr Witzsch oder sein Vater protestiert als man meinen Onkel im Jahre 1933 zum Stadion nahm und ihn zwang das Unkraut mit seinen Zaehnen heraus zu ziehen? Und so was in einem"Hoch Kulturstaat, wo ihm "Der Dank des Vaterlandes gewiss" wa:

Aus diesen Gründen protestiere ich aufs Vollste sein Weiterlehren.

Hochachtend

ERNEST REGAN

Sehr geehrter Herr Kriegel,

Als ein in Nuernberg geborener Jude, der einer der wenigen Ueberlebenden Haeftlinge des Konzentrationslager ist, bin ich selbstverstaendlich an dem Prozess gegen den Angeklagten, Oberstudienrat Hans-Juergen Witzsch, interessiert. Es ist mir voellig unbegreiflich, dass die Kammer den Angeklagten glaubt, dass er um die Erforschung der Wahrheit bemueht ist. Waere das so, so waere es ja ziemlich einfach entweder selbst nach Auschwitz zu fahren und sich dort zu informieren, oder an das dortige Museum zu schreiben.

Einliegend finden Sie drei Photokopien, die ich bei meiner Anfrage ueber naechste Vermadte von mir und meiner Frau, von dort erhalten habe. Eine Uebersetzung vom polnischen wird ja wahrscheinlich in Nuernberg moeglich sein.

Ferner verstehe ich nicht, dass die Kammer glaubt, dass er nicht die Untaten des NS-Regimes verharmlosen will.

Ist es vielleich nur ein Zufall, dass der beruechtigte Franken-Gauleiter Julius Streicher auch Schullehrer war? Dass dieser bei seinem Prozess als Kriegsverbrecher, im gleichen Gerichtsgebaeude behauptete, er waere ein Zionist.

Nachweisslich waren bereits vor der NS-Machtergreifung, ein grosser Teil der Nuernberger Lehrer bereits Mitglieder der Partei. Selbst die noch bis 1938 in die allgemeine Schule gehenden juedischen Kinder wurden gezwungen den rassenpolitischen Ansprachen beizuwohnen.

Von Nuernberg wurden 1601 juedische Menschen deportiert, von denen 1540 ermordet wurden. In dem Transport am 10. September 1942 wurden 533 Personen nach Theresienstadt deportiert. Ein grosser Teil dieser, die nicht schon in Theresienstadt umkamen wurden nach Auschwitz deportiert und dort vergast. Es waere nicht schwierig die genaue Nummer dieser ausfindig zu machen, wenn man die Namen der am 10. September 1942 deportierten, in dem Gedenkbuch des Bundesarchiv Koblenz : " Opfer der Verfolgung der Juden unter der nationalsozialistischen Gewaltherrschaft in Deutschland, 1933 -1945" nachsieht. Einige dieser Menschen, die mit mir verwandt waren, sind in den einliegenden Kopien benannt.

Am 18. Juni 1943 wurden 16 Personen von Nuernberg und Fuerth nach Auschwitz deportiert. Da dieser ein kleiner Transport war wurden die Menschen sofort nach Ankunft in Auschwitz vergast. Ich bin bereit die Namen dieser 16 Menschen zu schreiben. Ausserdem ging an dem selben Tag ein Transport mit 14 Menschen, einschliesslich ich, nach Theresienstadt. Von diesen wurden 6 nach Auschwitz deportiert. 3 dieser, aeltere Menschen, wurden sofort nach Ankunft vergast. Die 3 anderen, die juenger waren wurden spaeter ermordet. Auch darueber kann ich die Namen verschaffen.

Ein Historiker, wie sich Herr Witzsch nennt, muesste jedenfalls wie er am 13.1.1993 schreibt, Primaerquellen aufsuchen und nicht wilde Verleumdungen erfinden. Ich waere interessiert von ihm die Namen der juedisch-englischen Historiker zu bekommen, die mit seiner verleumderischen Ansicht uebereinstimmen. Man kann sich ja vorstellen was ein Lehrer der Geschichte lehrt, seinen Schuelern als Tatsache beschreibt.

Was weiss er denn von der Krieg-Greuelpropaganda? Keine dieser Propagandas kommt den Greuein nur nahe, wie die deutsche Soldateska in den besetzten Gebieten gehaust hat. Es ist so unbeschreiblich, dass ein normaler Verstand sich weichert es zu glauben.

Der Angeklagte, der so genau ueber alles Geschichtliche orientiert sein will, wusste aber nicht, dass es verboten war, die Massenvernichtung durch Gas zu verleugnen.

Eine Geldstrafe fuer die Verbreitung von Neo-nazzi Anschauungen und Volksvergiftung ist meiner Meinung nach voellig unzulaenglich. Man erinnere sich an die Strafen fuer Verleumdungen, die Julius Streicher vor 1933 aufgelegt wurden. Hat das seine Luegenpropaganda im Stuermer geaendert? Man sollte Herrn Witzsch, den Historiker verurteilen, dass er Nachforschungen ueber jeden frueheren Nuernberger Juden machen muesse, der mit Gas in Auschwitz oder in einen der anderen Vernichtungslager ermordet wurde. Auf diese Weise taete er nicht nur Busse an seinen Verleumdungen sondern wir die wenigen Ueberlebenden wuerden vielleicht erfahren wo und wie die 426 frueheren Nuernberger Juden, unsere Angehoerigen, die nach Izbica in der Naehe von Lublin deportiert wurden, ermordet wurden.

Ihrer geschaetzten Antwort entgegensehend, mit freundlichen Gruessen HERBERT KOL

Monika Berthold-Hilpert

Einladung zu einem Rundgang

ORTE DER VERFOLGUNG UND DES GEDENKENS IN FÜRTH

Einladung zu einem Rundgang

(1) Jüdisches Museum

(2) Rathaus

(3) Schulhof

(4) Hallemannstraße 2: Israelitisches Waisenhaus

(5) Blumenstraße 31: Israelitische Realschule

(6) Alter Israelitischer Friedhof

(7) Theaterstraße 36: Israelitisches Krankenhaus

(8) Maxstraße 22: Bikur Cholim

(9) Theresienstraße 1: Berolzheimerianum

(10) Schwabacher Straße

(11) Moststraße 10: Auhawe Tauroh

(12) Moststraße 13: Jüdisches Café

(13) Moststraße 35: Rudolf Benario

(14) Bahnhofsplatz 4: Sahlmann Villa

Orte der Verfolgung und des Gedenkens in Fürth

Zwei Jugendliche mit dem Judenstern in der Schwabacher Straße, nach 1941.

Als amerikanische Truppen am 19. April 1945 Fürth kampflos einnahmen, war von der Jüdischen Gemeinde der Vorkriegszeit und von ihrer über vierhundertjährigen Erfolgsgeschichte nahezu nichts geblieben.

Der während des Novemberpogroms 1938 restlos zerstörte Schulhof war zum Trümmer- und Schuttabladeplatz verkommen. Das jüdische Krankenhaus war ausgeplündert, das jüdische Waisenhaus mit Zwangsarbeitern belegt, die einzige nicht zerstörte Synagoge, die Waisenschul, zweckentfremdet genutzt und die beiden Friedhöfe geschändet.

Titelbild:
Die ausgebrannten Ruinen der Neu- und Altschul nach dem Novemberpogrom 1938.

Titelseite links unten:
Antisemitisches Ortsschild, um 1936.

1933 hatten ca. 1.990 Juden in Fürth gelebt, die 2,5 % der Gesamtbevölkerung ausmachten. Ungefähr zwei Drittel von ihnen gelang nach vorausgegangener Entrechtung, dem Entzug der wirtschaftlichen Lebensgrundlagen und zunehmender Isolierung bis 1939 die Emigration. 1941, zu Beginn der ersten von insgesamt sechs Deportationen (Dezember 1941 Riga, März 1942 Izbica, April 1942 Krasnycin, September 1942 Theresienstadt, Juni 1943 Theresienstadt und Auschwitz, Januar 1944 Theresienstadt), waren es noch um die 650 Juden, deren Zahl bis 1944 auf 23 sank. Das Ende der NS-Herrschaft in Fürth überlebten 20 Personen, die früher der Israelitischen Kultusgemeinde angehört hatten. Elf Rückkehrer aus den befreiten Konzentrations- und Vernichtungslagern wanderten 1945 und 1946 aus.

Seit den 1980er Jahren begann man sich in Fürth mit der Geschichte der Juden, ihrer Verfolgung und Ermordung zu beschäftigen. Das Mahnmal für die Synagogen am Schulhof, das seit 1987 stattfindende Besuchsprogramm für Emigranten und die Gründung des Jüdischen Museums in Fürth

Aus der Chronik der Stadt Fürth, 27.3.1938:
„In den städtischen Büros gingen heute Handzettel herum mit dem Hinweis und der Warnung an die Beamten, keine Einkäufe in jüdischen Geschäften zu betätigen."

als Erinnerungs-, Lern- und Kommunikationsort sind Ergebnisse dieser Bemühungen. Seit November 2002 sind zudem auf Initiative des Museums und seines Fördervereins zentrale Orte der Verfolgung und des Gedenkens im Fürther Stadtraum mit Hinweistafeln markiert.

Das Rathaus

Im Fürther Rathaus wurden von 1933 an alle antijüdischen Maßnahmen für Fürth koordiniert. Stadtrat Sandreuther organisierte ab dem Novemberpogrom bis zu seiner Verhaftung im Februar 1939 wegen Mißbräuchen und persönlicher Bereicherung von hier aus die sogenannte „wilde Arisierung" von ca. 570 bebauten und unbebauten Grundstücken im Großraum Nürnberg/Fürth. Die auf Sperrkonten eingezahlten Verkaufspreise betrugen grundsätzlich 10 % des Einheitswerts. So erhielt die Israelitische Kultusgemeinde in den am Abend des 11. Novembers hier beginnenden Zwangsbeurkundungen für ihren gesamten Grundbesitz 100.- RM, die Sahlmann-Villa wechselte für 180.- RM den

Die mit Hakenkreuzfahnen geschmückte Königstraße mit dem Rathaus im Hintergrund, um 1935.

Besitzer. Auch die Verwertung der persönlichen Habe von deportierten Fürther Juden wurde von den verschiedensten städtischen Dienststellen abgewickelt.

Der Schulhof

Zwischen Mohren- und Königstraße befand sich mehr als 400 Jahre lang das religiöse Zentrum der Fürther Juden, der von einer Mauer umgebene Schulhof mit vier Synagogen, Talmudlehrhäusern, einem rituellen Schlachthaus und Ritualbädern. Während des Novemberpogroms 1938 äscherten SA-Leute die Alt-, Neu- und Mannheimer Schul ein und demolierten die Klaus-Synagoge. Am 21. November 1938 begannen die Abrißarbeiten und Ende April 1939 waren die Ruinen vollständig abgetragen.
Übrig blieb eine Sandwüste, die bis Kriegsende zum Schuttabladeplatz verkam und schließlich ein als Parkfläche genutzter Platz, der zu Beginn der 1980er Jahre mit Wohnungen bebaut wurde.
Seit 1986 erinnert ein Denkmal des japanischen Bildhauers Kunihiko Kato an den zerstörten Schulhof. In den Fuß ist in deutsch und hebräisch der Psalm 79 eingemeißelt:
„Es kamen Fremde in deinen Besitz, sie verunreinigten deinen Tempel, sie legten Jerusalem in Trümmer."

Aus der Chronik der Stadt Fürth, 10.11.1938:
„In der vergangenen Nacht sind viele jüdische Läden demoliert worden. Im jüdischen Schulhof an der Königstraße wurde die Synagoge in Brand gesteckt, desgleichen die Kaalschule, die Scharr, der alte Betsaal an der Mohrenstraße. Die Gebäude brannten vollständig aus. Die Feuerwehr war mittags noch mit dem Ablöschen der Trümmerhaufen beschäftigt. Der Brandplatz ist durch Militärposten abgesperrt."

Die Abrißarbeiten an der Altschul, Ende 1938 Anfang 1939.

Israelitisches Waisenhaus

Gedenktafel im Eingangsbereich des ehemaligen Jüdischen Waisenhauses, 1998.

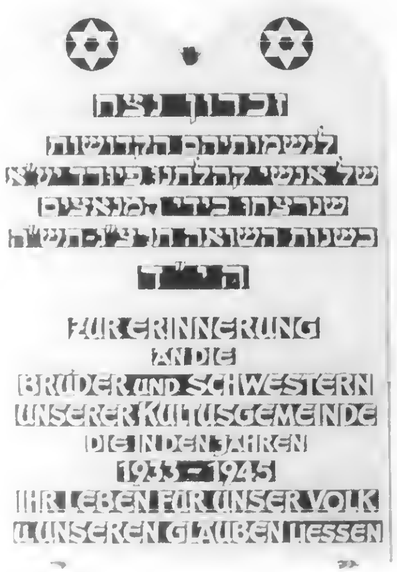
Nach der Deportation der letzten Kinder und ihrer Betreuer im März 1942 wandelte die Kultusgemeinde das Waisenhaus in ein Altersheim für die noch in Fürth lebenden älteren Ehepaare und Einzelpersonen um. Im Vorfeld der September-Deportation 1942 entstand ein befristetes Sammellager für 130 Juden unter Aufsicht von SS und Gestapo. In der leergeräumten, 1938 geschändeten Waisenschul fanden Gepäckkontrollen und Leibesvisitationen statt. Bis zur Schließung nach der letzten größeren Deportation fränkischer

Juden im Juni 1943 befand sich hier ein Wohnheim für 41 Personen. Seit Kriegsende dient die Waisenschul an der Hallemannstraße 2 (benannt nach dem letzten Direktor des Waisenhauses) der IKG Fürth als Gemeindesynagoge.

Aus der Chronik der Stadt Fürth, 10.11.1938:

„Vergangene Nacht sind fast sämtliche hiesigen Juden durch SA-Leute aus ihren Betten geholt und am Schlageterplatz aufgestellt worden. Um ½2 auch die 42 jüdischen Kinder vom jüdischen Waisenhaus an der Julienstraße. Gegen 6 Uhr früh kamen sie in den Saal des Volksbildungsheimes. Um 9 Uhr früh durften die Frauen, Mädchen und Kinder nach Hause gehen. Auch ihre Männer sind freigelassen worden. Etwa 132 davon wurden abends in den Autobussen fortgeschafft."

Israelitische Realschule



Gedenktafel im Eingangsbereich der ehemaligen Jüdischen Realschule, 1998.

Nach der behördlichen Schließung der Schule im März 1940 richtete die Gemeinde, die nach dem Novemberpogrom hier ihren Sitz nahm, eine Kleiderkammer und Schuhreparaturwerkstätte für ihre Mitglieder im Schulgebäude Blumenstraße 31 ein. In einer Nähstube wurden Rucksäcke, Handschuhe, Brust- und Brotbeutel in Vorbereitung der Deportationen hergestellt. Mehrere Arbeitsgruppen sammelten, kontrollierten und stellten das sogenannte Ghettogut zusammen, das neben 50 kg persönlichem Gepäck mitgenommen werden sollte. Die Deportierten mußten den Transport in die Vernichtungslager mit bis zu 25% ihres Vermögens selbst finanzieren.

1949 wurde der Geschäftsführer der IKG Fürth und SPD Stadtrat Leo Rosenthal, der die NS-Zeit in Fürth überlebt hatte, in der Blumenstraße von einem Passanten als Jude beschimpft. Als er den Täter zur Feststellung der Personalien festhielt, sammelten sich an die 150 Fürther zu einem spontanen antisemitischen Aufruhr, der erst durch Eingreifen der Polizei beendet werden konnte. Das Ereignis sorgte in ganz Deutschland für Schlagzeilen.

Alter Jüdischer Friedhof

Der Alte Jüdische Friedhof ist seit seiner Gründung 1607 immer wieder Schändungen ausgesetzt. Die schwersten Eingriffe fanden jedoch während der NS-Zeit statt. An der Südwestecke mussten 1934 ein Bereich aus angeblich verkehrspolizeilichen Gründen abgetreten und 60 Kindergräber umgebettet werden. Der ursprüngliche Eingang wurde vermauert, viele Grabsteine zerschlagen bzw. 1944 an einen nichtjüdischen Steinmetz verkauft und die Tahara-Häuser sowie das alte Krankenhaus nach dem Pogrom abgetragen. Die Anlage eines noch heute an den Umfassungsmauern erkennbaren Löschwasserteichs und alliierte Fliegerbomben

Geschändete Grabsteine im Alten Jüdischen Friedhof, um 1938.

rissen tiefe Lücken in den Grabsteinbestand. 1949 konnten viele der entfernten Steine wieder zurückgeführt und um ein neu errichtetes Denkmal, das an die Grabschändungen erinnert, aufgestellt werden.

Jüdisches Krankenhaus

Während des Novemberpogroms war das Jüdische Krankenhaus an der Theaterstraße 36 mit Verletzten aus Nürnberg, Fürth und den umliegenden Landgemeinden überfüllt. Die Mehrzahl litt an von Schlägen ausgelösten Kopfverletzungen. Einigen Frauen, die ihre Männer zu schützen versuchten, hatten SA-Leute die Handgelenke gebrochen. Personal und Patienten mußten eine Stunde lang stramm stehen, ehe sie mit den übrigen Fürther Juden auf der heutigen Freiheit (damals Schlageterplatz) zusammengetrieben wurden.

Im November 1943 übernahm die Stadtverwaltung Fürth das von der Gestapo geschlossene Haus als Hilfslazarett für die Dauer des Krieges. Seit 1945 nutzt die IKG das restituierte Gebäude als Wohnhaus.

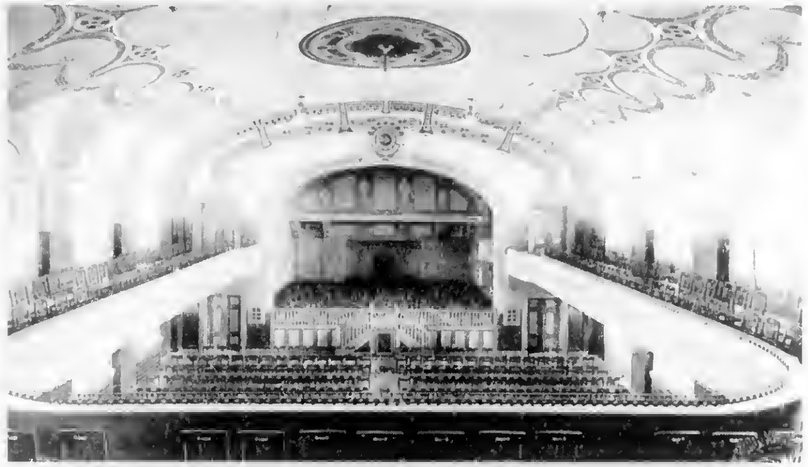
Dr. Leo Daniel, Arzt am Jüdischen Krankenhaus, beging nach einem gescheiterten Fluchtversuch vor der Deportation 1943 Selbstmord.

Bikur Cholim

Am 6. Mai 1939 lösten die NS-Behörden den 1905 von galizischen Juden zur Abhaltung von Gottesdiensten gegründeten Krankenunterstützungsverein Bikur Cholim auf. Der Verein hatte in den 1920er Jahren im Hinterhaus des Viehhändlers Max Dingfelder in der Maxstraße 22 einen größeren Betraum mit 200 Sitzplätzen eingerichtet und Gottesdienste nach polnischem Ritus gefeiert. Während des Pogroms demolierten SA-Männer die gesamte Inneneinrichtung. Ein aus den Trümmern geborgenes Schofar ist im Jüdischen Museum zu sehen.

Der ehemalige Betsaal des Vereins Bikur Cholim, 2002.

Berolzheimerianum



Der Saal des 1906 gestifteten Berolzheimerianums, um 1910.

Nach der Machtergreifung untersagten die Nationalsozialisten Juden den Zutritt zu dem an der Ecke Schwabacher-/Theresienstraße gelegenen, nach Heinrich Berolzheimer benannten Volksbildungsheim *„Berolzheimerianum"* und tilgten den Namen des jüdischen Stifters. Die während des Pogroms auf der heutigen Fürther Freiheit zusammengetriebenen

jüdischen Männer wurden am Morgen des 10. November 1938 dorthin abgeführt und mißhandelt. Einige der Verhafteten wurden freigelassen, der Großteil ins Konzentrationslager Dachau eingeliefert und erst nach Lösegeldzahlungen und der Vorgabe, Deutschland schnellstmöglich zu verlassen, auf freien Fuß gesetzt.

Schwabacher Straße

Die Belegschaft der Firma Manes beim Faschingsumzug, Ende der 1920er Jahre.

Bis Ende 1935 wurden 50 % des Großhandels, 24 % der Industrie und 15 % des Einzelhandels in Fürth von Juden betrieben. Viele Geschäfte hatten bis zu ihrer Liquidation oder Arisierung in der Schwabacher Straße ihren Sitz. Eine Ende März 1933 veröffentlichte Liste rief allein in dieser Hauptgeschäftsstraße der Innenstadt zum Boykott von 40 Geschäften, Handelsvertretungen, Arztpraxen und Kanzleien auf. Der verordnete Boykott hatte nicht den von den Nationalsozialisten erwünschten Erfolg. Mit Empörung berichtete der Fürther Anzeiger von vielen Käufern, die sich auch von den aufgestellten SA-Posten nicht abschrecken ließen.

In der Schwabacher Straße wurden acht private Wohngebäude und alle Geschäfte arisiert, darunter die Filiale des deutschlandweit tätigen Nürnberger Herren- und Knabenkonfektionsherstellers Gebrüder Manes.

Aus der Chronik der Stadt Fürth, 11.11.1938:
„Auch heute waren die jüdischen Verkaufsläden geschlossen. Die zertrümmerten Schaufenster sind vorerst durch Bretterverschläge ersetzt."

Aus der Chronik der Stadt Fürth, 17.11.1938:
„In fast allen Gaststätten und Verkaufsläden sind rote Plakate ausgehängt mit der Aufschrift: 'Juden haben keinen Zutritt' – NSDAP-Kreisleitung Fürth."

Auhawe Tauroh

Feier zum 40-jährigen Bestehen des Vereins „Auhawe Tauroh", 30. November 1937.

Die Betstube und Räume des 1897 in Fürth von orthodoxen deutschen Juden gegründeten Vereins *„Auhawe Tauroh - Verein zur Pflege des Torastudiums"* lassen sich seit 1926 im Anwesen Moststraße 10 nachweisen. Hier hatten die Anhänger des gesetzestreuen Judentums drei durch Klapptüren

getrennte Zimmer gemietet. Das Vereinslokal wurde während des Novemberpogroms 1938 vollständig zerstört.

Der 1958 gestellte Entschädigungsantrag listet neben einer 500 Bände umfassenden Bibliothek eine Tora-Rolle mit Samtmantel, Wimpel und Tora-Schmuck sowie einen Tora-Vorhang auf.

Jüdisches Café

Die Einrichtung der einzigen jüdischen Gaststätte in Fürth (Moststraße 13) wurde in der Nacht vom 9. auf den 10. November 1938 vollkommen zerschlagen, nachdem sich Gäste gegen eindringende SA-Leute zur Wehr gesetzt hatten. Im Oktober 1941 richtete die Jüdische Gemeinde hier ein Speisehaus ein, um zwangsverpflichteten bzw. mittellosen, auf Fürsorge angewiesenen Gemeindemitgliedern eine warme Mahlzeit pro Tag zu ermöglichen. Je nach persönlichen finanziellen Verhältnissen zahlten die Teilnehmer zwischen 15 und 50 Pfennige.

Rudolf Benario

Dr. Rudolf Benario (geb. 1908), das erste Fürther Opfer der Nationalsozialisten nach der Machtergreifung, lebte zusammen mit seinen Eltern im Haus Moststraße 35. Bereits während seines Studiums in Berlin, Würzburg und Erlangen hatte er sich politisch im Republikanischen Studentenbund und der KPD engagiert.

Nach knapp vierwöchiger Schutzhaft wurde er am 11. April 1933 zusammen mit anderen Regimegegnern aus dem Nürnberg-Fürther Raum in das neu errichtete KZ Dachau eingeliefert und in der darauf folgenden Nacht zusammen mit dem Fürther Ernst Goldmann und zwei weiteren Juden ermordet. Die beteiligten SS-Männer nannten als offizielle Todesursache *„auf der Flucht erschossen"*.

Aus der Chronik der Stadt Fürth, 1.12.1938:
„Viele, fast alle Judenhäuser gehen in christlichen Besitz über."

Sahlmann-Villa

Im April 1939 ordnete das Gesetz über Mietverhältnisse mit Juden die Entfernung von Juden aus arischen Häusern an. In der Folge entstand im Stadtgebiet eine Vielzahl von sogenannten Judenwohnungen, in denen die Zwangsentmieteten bis zu ihrer Deportation zusammengefaßt wurden. Eine dieser Zwangsunterkünfte für insgesamt 23 Personen befand sich in der Sahlmann-Villa am Bahnhofsplatz 4.

Der Bahnhofsplatz mit Centaurenbrunnen, am rechten Bildrand die Sahlmann-Villa, um 1900.

Im Januar 1942 erhielt die Kreisamtsleitung der NS-Volkswohlfahrt die Genehmigung zur Arisierung des Anwesens. Die Belegung des Hauses mit Juden galt laut Kaufpreisschätzung des Hochbauamts als wertmindernd. Die letzten 14 Bewohner wurden im März 1942 nach Izbica deportiert und ermordet.

Aus der Chronik der Stadt Fürth, 16.5.1939:
„Viele Judenfamilien von hier und allerorts verlassen Deutschland und machen sich in England, Holland, Frankreich, Amerika u.s.w. ansässig."

Lindenstraße 22

Die Jüdische Gemeinde richtete im Mai 1939 in der Villa Lindenstraße 22 in der Westvorstadt ein Wohnheim für neun Personen ein, die ihre Wohnungen verlassen mussten. Ein Verwalterehepaar verpflegte die Bewohner gegen Gebühr. Nach dem Zwangsverkauf des Anwesens im Juli 1941 wurden die ersten Bewohner im November 1941 nach Riga deportiert und ermordet. Die frühere Eigentümerin Mathilde Hutzler, ihre Haushälterin und das Ehepaar Cohnheim fielen

der März-Deportation 1942 nach Izbica zum Opfer, der sich ein weiterer Bewohner durch Selbstmord entzog. Daraufhin schloß die Gemeinde das Wohnheim im April 1942.

Das Anwesen Lindenstraße 22, 2002.

Aus der Chronik der Stadt Fürth, 20.9.1941:
„Ab gestern müssen die Juden den Davidstern auf der Brust tragen."

Neuer Jüdischer Friedhof

Das Schoa-Denkmal im DP-Lager Finkenschlag, um 1947.

Während der NS-Zeit wurden eine Reihe von Gräbern und das Tahara-Haus des seit 1906 genutzten Neuen Jüdischen Friedhofs an der Erlanger Straße 99 geschändet. Ein noch unbelegter Teil mußte an die Stadt Fürth abgetreten werden. Mehrere Mahnmale auf dem Gelände, das bis heute als Begräbnisstätte dient, erinnern an die Schoa. Vor dem Ehrenmal für die Gefallenen des 1. Weltkriegs errichtete die Jüdische Gemeinde 1949 eine schlichte Steinplatte.

In unmittelbarer Nähe fand im selben Jahr ein Gedenkstein aus dem aufgelösten Lager für Displaced Persons (DP) am Finkenschlag seinen endgültigen Platz und seit Juli 1997 sind im Inneren des Tahara-Hauses die Namen von 890 ermordeten Fürther Juden auf Steintafeln angebracht.

Im Feld VIII, Nr. 87, ist Siegfried Offenbacher begraben, der 1970 beim Brandanschlag auf das Jüdische Altersheim in München ums Leben kam.

Aus der Chronik der Stadt Fürth, 28.11.1941:

„Stadtgespräch: Ein Teil der hiesigen Juden wurde heute früh vorerst nach Langwasser abtransportiert. Besonders in der Maxstraße sammelten sich wieder Neugierige an. Von Langwasser wurden sie dann nach Süd-Rußland (mit dem Zug) geschafft, um sich dort gemeinsam anzusiedeln."

Aus der Chronik der Stadt Fürth, 22.3.1942:

„Heute früh ¾9 Uhr fuhr ein mit Juden vollgefülltes Auto vom Polizeigebäude in der Nürnberger Straße ab, gen Nürnberg zu. Sie wurden von einem SS-Mann bewacht. Einige Zeit darauf fuhren noch 4 Auto mit Juden ab."

Aus der Chronik der Stadt Fürth, 18.6.1943:

„Stadtgespräch: Gestern abend kamen die letzten Juden von Fürth fort."

Literatur:

„Kristallnacht in Fürth". Sondernummer der Fürther Freiheit. November 1988.

Manfred Mummler: Fürth in nationalsozialistischer Zeit. Das Alltagsleben 1933-1945. Diss. Universität Bayreuth 1994.

ders.: Der Pogrom zu Fürth. Die Nacht vom 9. auf den 10. November 1938. In: Fürther Heimatblätter 1988, Nr. 4.

Komitee zum Gedenken der Fürther Shoah-Opfer (Hg.): Zum Gedenken an die von den Nazis ermordeten Fürther Juden. 1933-1945. Fürth 1997.

Grete Ballin: Geschichte der Fürther Juden, o.O., o.J. (um 1942).

Udo Sponsel/ Helmut Steiner: Erinnerung an Rudolf Benario. Eines der ersten Opfer des nationalsozialistischen Terrors. In: Fürther Heimatblätter 1997, Nr. 2.

Monika Berthold-Hilpert: Synagogen in Fürth. Einladung zu einem Rundgang. Haigerloch 2000.

Weitere Informationen:

Jüdisches Museum Franken in Fürth
Königstraße 89
D-90762 Fürth
www.juedisches-museum.org

Tel. ++49-(0)911/770577
Fax ++49-(0)911/7417896
info@juedisches-museum.org

Öffnungszeiten:

Sonntag–Freitag, 10–17 Uhr, Dienstag 10–20 Uhr

Quellen:
Stadtarchiv Fürth, Staatsarchiv Nürnberg

Herausgeber:
JÜDISCHES MUSEUM FRANKEN
Fürth · Schnaittach

Fotonachweis:
Jüdisches Museum Franken, Staatsarchiv Nürnberg, Hochbauamt Fürth, Stadtarchiv Fürth.

Mit freundlicher Unterstützung des Vereins zur Förderung des Jüdischen Museums Franken, Fürth & Schnaittach.

Verlag:
Medien und Dialog, Klaus Schubert, Postfach 01, D-72394 Haigerloch
Telefon: 07474/2737, Fax: 07474/8007. www.medien-und-dialog.de

Alle Rechte vorbehalten; 11/2002

Bestellung einzelner Hefte und Abonnement der Reihe beim Verlag Medien und Dialog.

Gestaltung M. Kowalik · **Druck und Satz:** ST Elser, Haigerloch

Intentional Second Exposure

Literatur:

„Kristallnacht in Fürth". Sondernummer der Further Freiheit. November 1988.

Manfred Mummler: Fürth in nationalsozialistischer Zeit. Das Alltagsleben 1933 1945. Diss. Universität Bayreuth 1994.

ders: Der Pogrom zu Fürth. Die Nacht vom 9. auf den 10. November 1938. In: Further Heimatblätter 1988, Nr. 4

Komitee zum Gedenken der Fürther Shoah Opfer (Hg.): Zum Gedenken an die von den Nazis ermordeten Further Juden 1933-1945 Fürth 1997.

Grete Ballin: Geschichte der Further Juden, o O., o J (um 1942)

Udo Sponsel
Helmut Steiner: Erinnerung an Rudolf Benario. Eines der ersten Opfer des nationalsozialistischen Terrors. In: Further Heimatblätter 1997, Nr. 2.

Monika Berthold Hilpert: Synagogen in Fürth. Einladung zu einem Rundgang. Haigerloch 2000.

Weitere Informationen:

Jüdisches Museum Franken in Fürth
Königstraße 89
D-90762 Fürth
www.juedisches-museum.org

Tel. ++49-(0)911/770577
Fax ++49-(0)911/7417896
info@juedisches-museum.org

Öffnungszeiten:

Sonntag–Freitag, 10–17 Uhr, Dienstag 10–20 Uhr

Quellen:
Stadtarchiv Furth, Staatsarchiv Nurnberg

Herausgeber:

Fotonachweis:
Judisches Museum Franken, Staatsarchiv Nurnberg, Hochbauamt Furth, Stadtarchiv Furth

Mit freundlicher Unterstutzung des Vereins zur Forderung des Jüdischen Museums Franken, Furth & Schnaittach.

Verlag:
Medien und Dialog, Klaus Schubert, Postfach 01, D-72394 Haigerloch
Telefon: 07474 2737 Fax: 07474 8007 www.medien und dialog.de

Alle Rechte vorbehalten, 11/2002

Bestellung einzelner Hefte und Abonnement der Reihe beim Verlag Medien und Dialog.

Druck und Satz

Orte jüdischer Kultur

Weitere Titel in dieser Reihe sind zu folgenden Orten erschienen:

Baisingen
Creglingen
Emmendingen
Forchheim/Obfr.
Fürth
Gedenkorte Fürth
Haigerloch
Hechingen
Kippenheim
Königsbach
Krumbach-Hurben
Laupheim
Ludwigsburg
Main-Spessart-Kreis
Miltenberg
Offenburg
Pforzheim
Rotenburg a.d.F.
Rottweil
Schnaittach
Tübingen
Ulm
Veitshochheim

VERLAG
MEDIEN
UND DIALOG
KLAUS SCHUBERT

ISBN 3-933231-23-X

Zirndorf, September 1996

Dear former Fürthers, dear Friends,

on the eve of the New Year 5757 I want to thank all of you for meeting me, for your kind letters, for your help and interest in what I am doing.

The outgoing year has been a special one for me: last autumn and winter, the documentation of the Old Cemetery was still my maine task, in the death-registers I reached 1749 going backwards and I manage meanwhile to read the oldfashioned handwriting there.

Since last spring, preparing the Memorial took more and more of my time - until May the number of Victims increased to about 770.

My first trip to the United States became exciting and higly satisfying. In the Leo-Baeck-Institute NY and in the Hebrew Union College Cincinnati I found documents of the old Kehilla which are important for my cemetery-work.
The first highlight was, meeting Mr. Oakes (Ochs), who is a very kind, impressing personality.
Then, I went to Kutshers': Frank and Berry Harris had organized everything thoughtful and really perfect: Claude Franks Concert, the Memorial-Service, the speeches on so many different topics and the exhibition. I was excited, touched, overwhelmed by all this and by so many personal talks. I am very grateful that I could participate in this extraordinary event.
After having returned home, the annual guests of the City were here and I enjoyed, meeting them.

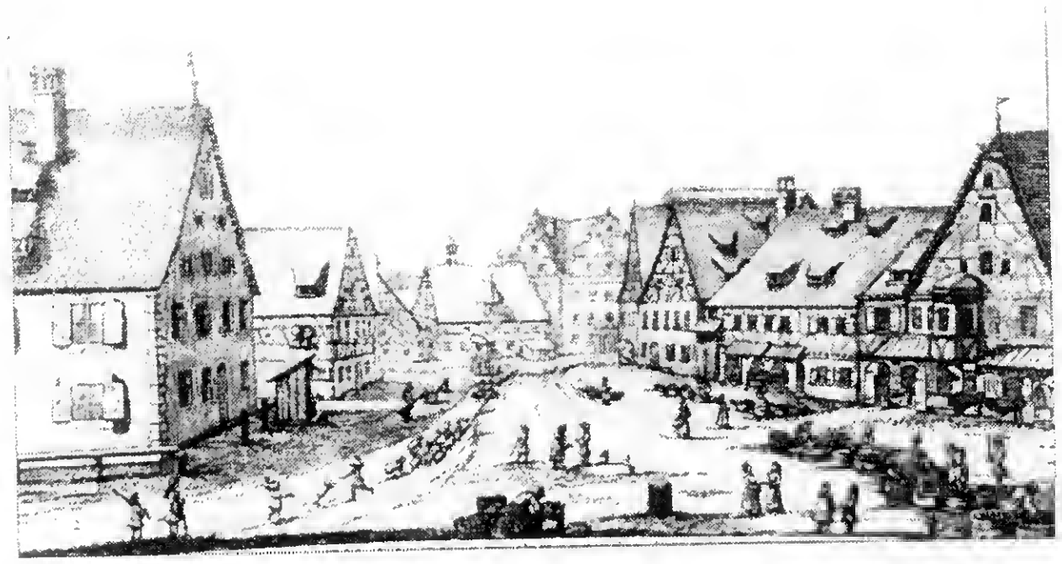
Afterwards trouble started: my laptop went on strike and it took almost one month until I could work with it properly again. Now I had to prepare under time-pressure sketches for Memorial and Book before Mr. Oppenheimer went to Israel.

Now, very recently, I found additions, made to the birth-records in 1938, which enable me to identify persons (specially married ladies) as Fürther Victims, who were deported from other places. By this reason, the total number may grow to about 900. - Until now, we have only few photographs and biographies, if you are able to add, please do.
The opening ceremony is now planned for September 10, 1997 - 55 years after a big deportation. We do hope that many of you will come to honour the Victims.

From the bottom of my heart, I wish you shana tova, may 5757 be a blessed year for all of you!

Chapter 2

FÜRTH



Fürth's main marketplace, a center of Jewish life for over two centuries, 1704[17]

While England and France had become powerful nation-states by the late middle ages, it was not until 1871 that a modern unified Germany came into being. Ironically, Germany seemed much closer to unification than England or France when in 800 CE, various German tribes banded together under Charlemagne to form the Holy Roman Empire. By the time of the coronation of Emperor Otto I in 962, the Holy Roman Empire included over a hundred-and-fifty German-speaking fiefdoms and principalities over which the Emperor exercised varying degrees of control. Over the centuries, with the rise of princely power, the creation of city-states, and an increasingly powerful Catholic Church, the Emperor's authority diminished to the point of being only nominal over much of German-speaking Europe by the time the first known Obermayer family ancestors came to Fürth in the middle of the eighteenth century.

To shore up their crumbling domains, Holy Roman Emperors became increasingly amenable to offering Jews protection from local authorities and individuals as long as they could pay for it. To legitimize the practice, Emperor Friedrich Barbarossa (1152–90) in 1179 declared Jews in the Rhineland and in Franconia a part of his "imperial fisc" and as such under his protection. In 1236 Emperor Friedrich II issued an order granting Jews in the Empire "protection on country roads and lanes, freedom of movement of residence, and exemption from special financial duties to rulers and towns."[18] That a Jew in medieval Germany could often turn only to the emperor for protection against the

vagaries of local bishops and magistrates made the emperor all the more important in his life.

Jews are first mentioned as residents of Fürth in 1440; however, before the end of the century they were banished by order of the Bishop of Bamberg during a time when cities and towns throughout southern Germany were expelling Jews – Cologne in 1426, Augsburg in 1438, Erfurt in 1448, Nuremberg and Ulm in 1499, Regensburg in 1519, and Würzburg in 1565. Many urban areas in Bavaria, Mecklenburg, Brandenburg, and Alsace became virtually judenrein (clean of Jews) by the dawn of the sixteenth century. Only a few Imperial cities – Frankfurt, Worms, Prague, and Vienna – possessed Jewish populations of any significance during this period; however, on a much smaller scale Jewish life survived around countless small town and village marketplaces dotting the rural countryside or in larger towns like Fürth within easy traveling distance of Nuremberg where Jews could do business but lacked residence rights.

Unlike the expulsions from England, France and Spain of entire Jewish populations, Jews in Germany were able to relocate much closer to home. Thus, the Jews of Cologne found refuge across the river in Deutz, the Jews of Würzburg in nearby Heidingsfeld, and the Jews of Nuremberg in Fürth. Political power in Fürth was divided between three magistrates – the Bishop of Bamburg, the City of Nuremberg, and the Margrave of Ansbach. That their holdings were often side by side made it easier for Jews to survive an expulsion by simply moving in some cases across the street where they were welcomed by a different magistrate.[19]

Organized in the early sixteenth century with the permission of the Margrave of Ansbach, the Jews of Fürth felt secure enough by 1564 to write a letter of complaint to the margrave, protesting a Protestant minister equating Jews with rabid dogs before accusing them from the pulpit of cursing Christians in their Alenu prayer. "In the five books of Moses," the petitioners argued, "you will find that neither the benediction nor the cursing is with us. It is with God." For forty years, the petitioners pointed out, Jews had lived in Fürth without being subjected to such insults. The margrave responded by chastising the preacher.[20] The margrave could just as easily mete out punishment to Jews under his jurisdiction. A rumor sprung up around this time that the Jews of Farrnbach and Fürth were diluting wine shipments from the Main region. The margrave responded by threatening those involved with deportation, thus putting a speedy end to the problem.[21]

In 1573, the Bishop of Bamberg was granted imperial approval to allow Jews to settle in areas of Fürth within the bishop's domain. The leading merchants of the neighboring city of Nuremberg fearing economic ruination from Jewish competition protested to the emperor but to no avail. By 1582 two hundred Jews resided in Fürth. In the same year and again in 1585 the municipal council of Nuremberg lodged repeated objections with the bishop against Jews occupying an entire street in Fürth but again to no avail.

"During these early years," recalls Gisela Naomi Blume, a noted genealogist and interpreter of Fürth's rich Jewish history, "there was a *Nachtwächter*, a night warden

walking throughout the city and looking out if there was fire anywhere. And he would say, '*Ihr lieb Christenleut, hab acht.*' (Dear Christians, be careful). The Jews who contributed to the salary of this warden protested by asking 'Why only the Christians? We are paying as well for that.' After some quarrelling, it was changed to 'Ihr Liebn Herrn' (Dear gentlemen)."

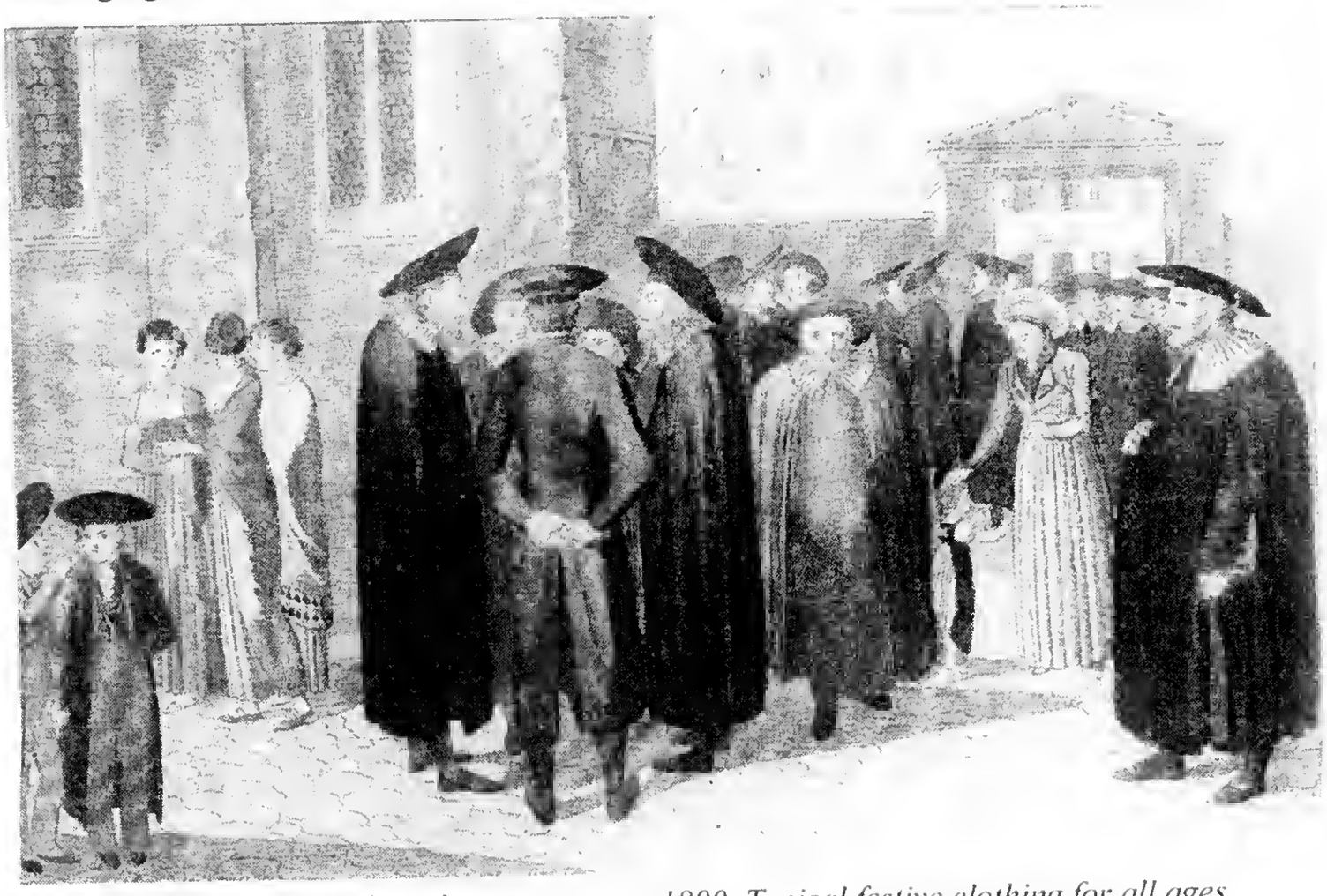
Though the Jews of Fürth were denied citizenship rights as well as entry into most guilds, they were allowed to run their own affairs by enacting laws for themselves regarding the levying of taxes for Jewish communal needs, and by being ultimately responsible to a rabbi possessing judicial authority over the community. Not allowed to hold office, to receive honors, or to attend institutions of non-Jewish learning, Jews were also excused from military service. A Jew could not demand a duel from a Christian, his oath not being on the same footing; however, he was free to practice his faith; nor could baptism be forced on him.

The first synagogue in Fürth, known as the "Altschul" (old synagogue), was erected in 1617. Its opening was marked with a public festival, a rare event in the Germany of that day. The next year marked the beginning of the Thirty Years War. Three years later *the synagogue was looted. In 1634 much of Fürth was destroyed by an army of Swedish* soldiers. The war, the most destructive Germany had suffered in its long and bloody history, ended in 1648 with the Peace of Westphalia which further decentralized the Holy Roman Empire by redistributing much of its power among individual princes and cities. Among the beneficiaries were the city of Fürth and the Margrave of Ansbach.

By 1648 Fürth's Jewish community had recovered sufficiently from the ravages of war to become a refuge for Polish Jews fleeing the Chmielnicki massacres. They were granted protection by the Margrave of Ansbach in spite of objections from the City of Nuremberg.[22] There followed in 1670 a wave of Jewish refugees from Vienna who helped transform Fürth into what later was called the Franconian Jerusalem. Fürth soon boasted not only a distinguished rabbinate but also a Hebrew printing industry dating back to 1690 and in continuous operation until 1868. In 1719 the Jews of Fürth received a charter granting it more self-government than any other Jewish community of its day in Germany. The election of rabbis and public servants without external control was guaranteed as well as a Jewish court to solve internal problems, and self-regulation of the growth of the community.

In 1785 a traveler through Fürth named Füssel noted that "the one who works hard, is quiet and honest, has always been welcome to become an inhabitant, no matter what religion." The Jews he observed were "in every kind of trade, big and small, within Fürth, on the streets, in the open shops, and within buildings." Subsequently, Jews were well represented as merchants and traders in such locally manufactured goods as clocks, pocket watches (which they exported to Turkey), eyeglasses, and jewelry on which they had a monopoly. During the industrial revolution of the mid-nineteenth century, of the fourteen steam-driven engines in Fürth, seven were operated in Jewish-owned factories

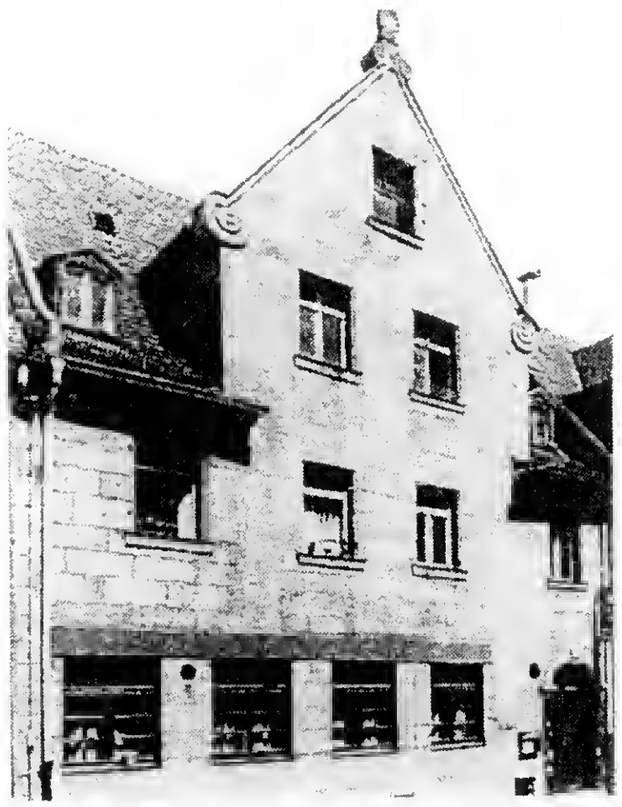
manufacturing everything from brewing machines to mirrors to furniture to toys to bronzing agents to cotton thread.[23]



Shabbat in front of Fürth synagogue, c. 1800. Typical festive clothing for all ages.

Significantly, Fürth in 1800 claimed a larger proportion of Jews than any other city in the Holy Roman Empire. Prague with 8,500 or 10.6 % of the total had the largest Jewish community in German-speaking Europe numerically but not proportionately. Next came Hamburg 6,300 (6 percent), then Berlin 3,300 (2 percent) and then Frankfurt, 3,000 (7.5 percent). Fürth's 2,400 Jews by contrast made up 15 percent of the population. Its Jewish population rose to 3,000 in 1848 or 17.6 percent of the general population. Even as late as 1935 50% of the wholesalers, 14.5 % of the retailers and 23.1 % of the manufacturers in Fürth were Jewish.

Jews who came to Fürth usually came to stay. So it was with the Obermayer family's first known ancestor to settle there; Israel Lichtenstädter (1698–1789) came in the middle of the eighteenth century with his family. For a number of succeeding generations Israel's descendants lived good lives in Fürth where the men were rabbis, retail grocers and merchants in glass, cattle, baskets and so forth. So they lived for generations as an integral part of Fürth's Jewish community which rivaled all others in Germany for its piety, liberality, and inventiveness. Only in Fürth could Israel Lichtenstädter's dream have come true.[24]



Leopold Lehmann's house, Bäumenstrasse 13

When the Lichtenstädters came to Fürth, German Jewry's most pressing problem was homelessness. Some ten percent of the total Jewish population in Germany during this period comprised vagrants and itinerants with no fixed abode. In Franconia and Swabia such unfortunate people made up more than a quarter of the total Jewish population.[25] Fürth's Jewish community was the first in Germany to address itself to this problem when in 1763 plans were made for building a Jewish orphanage. Israel Lichtenstädter was the driving force behind this undertaking.

Lichtenstädter was a rabbi whose family came from the small town of Lichtenstadt in Bohemia. After moving to Prague the family prospered; however in 1745 the Jews of Prague were expelled by Habsburg Empress Maria Theresa. Israel, his wife Gittel, and their daughter Yente who later married Joel Bamberger, a Levite scribe from a pious Jewish family, found refuge in Fürth. Yente and Joel's first child was born in 1756. Six years later Yente died, leaving many orphans, an *Unglick* (misfortune) that deeply affected their grandfather Israel. At this crucial moment in his life, Israel must have experienced an epiphany of sorts which led to the creation of Germany's first Jewish orphanage.

Exhibit 6

Kalman Lichtenstädter
- ● Israel Lichtenstädter(-1771)& Gitel Liebermann(-1769)
  - ○ Yente Lichtenstädter(-1762)&
    Joel Loeb Levi Bamberger(-1788)
    - ▪ Hadassah(Hadas)Bamberger(1780-1836)&
      Mosche(Moses)Krakauer(1767-1816) ***[Exhibit 7]***
    - ▪ Hadassah(Hadas)Bamberger(1780-1836)&
      Baermann Fraenkel(1779-1861)

His dream, according to Gisela Naomi Blume, a convert to Judaism who has spent the better part of her life caring for its Jewish cemetery, which is among the largest in Germany, was "not only to give refuge to those who lived in the street and had to beg for their daily food. Certainly, Israel was not opposed to that. However, Israel's idea was based on the Jewish injunction not to make a beggar feel like a beggar – not to shame someone, but to give the needy one an opportunity to do something good for the one who does him good, like receiving an education with which one can pray for the soul of a deceased benefactor. That was what guided Israel Lichtenstädter." It was *tzedakah* in its purest form.

Israel was one of six communal leaders who signed the following appeal for funds for a Jewish orphanage. What transcends all else is its ethical appeal:

> *We feel particularly driven to do this because we see with amazement many boys, some of them fatherless orphans, others driven from their father's table and now homeless and hungry and without any religious training whatsoever....Poor boys whatever their family situation would be welcome as religious students from the ages of five to fifteen. They would get their food and clothing and would receive religious instruction in the five books of Moses, the Mishnah and Gemara. They would learn how to write in Hebrew beautifully, since it is good to connect other knowledge with the knowledge of one's religion....We appeal to you to strengthen and support the weak and faltering, the abandoned youth wandering around on the street, and G-d will certainly repay you for working to bring about a virtue – proper religious instruction – that goes beyond the grave to the honor of the living.*

In the beginning, childless couples contributed a *Freiplatz* to pay for whatever a boy needed. Initially, the boys were not kept in a separate building, joining their peers only for prayers and education. After a sponsor died, the boy would say *kaddish* for him or her. "Thus," Gisele Blume explains, "he had the chance to say thank you to the people who enabled him to get an education, because saying *kaddish* for a person who has died is very, very important in Jewish life. It is believed that it helps the soul to go up to heaven. (*See Appendix A – Last Will of Männlein Moyses.*)

"At a *leviah* (burial) which moved from the house to the cemetery the orphans walked in front of the body which was covered in a tallis and white linen and often placed on a piece of wood. In olden times in Fürth, those who invited Jews who didn't have their own home for *Shabbes* dinner were buried quite often on their table top which signified their good deeds. I am sure that is the way Israel Lichtenstädter was buried."

Only when the orphanage established its own building did the children study, eat, pray, and sleep under one roof. A newer orphanage building erected in 1868 on Julienstrasse (today Hallemannstrasse 2) was enlarged in 1884 to include female orphans.

It was finally closed in 1942 when the Nazis took the remaining occupants to a concentration camp. The synagogue within the orphanage building is currently home to the only active congregation in Fürth.

Two views of interior of Fürth Synagogue within orphanage building

For centuries Fürth had a reputation for being the most liberal municipality in German-speaking Europe. Only in Fürth could a Jew be elected *Bürgermeister*. Moreover, Jews and other religious minorities were represented on the city council, something quite unusual in pre-modern Europe. In 1830 Fürth's *Bürgermeister* wrote as follows to the King of Bavaria: "In this city the three religions – Catholic, Protestant and Jewish – are living peacefully together and they are supporting one another." The *Bürgermeister*'s sentiments are echoed by a centuries-old saying painted on the wall of an old inn in Fürth: "Whether Heathen, Jew or Christian, come in if you are thirsty!"

At first there was no Jewish cemetery in Fürth. For Jews under the jurisdiction of the Margrave of Ansbach, burials took place in Beiersdorf (birthplace of Joseph Seligman) over 15 miles away. Jews living in Fürth at the pleasure of the Bishop of Bamberg travelled over bad roads to Schnaittach 25 miles away to bury their dead. Not until 1607 did the bishop allow his Jews to buy a small piece of land just outside the city for use as a cemetery. In the same year the margrave granted his Jews the same privilege on the identical piece of land. In existence for four centuries, this cemetery has been enlarged at least 30 times to accommodate over 20,000 graves.

A walking encyclopaedia of little-known but well worth-knowing facts and figures, Gisela Naomi Blume has dedicated her life to poring over countless city council and synagogue documents and records related to the history of Jews in Fürth. The following remarks by Gisela originated in a conversation Gisela and I had in her apartment in Fürth some years ago.

From 1662 the Jewish community of Fürth had employed generations of scribes, including Israel Lichtenstäder's son-in-law Joel Bamberger, to keep

death registers. They were kept until the Nazis came to power. They were then collected together with the wedding and birth registers because the Nazis wanted to prove who was Aryan and who was Jewish. They collected everything, microfilmed everything, and later destroyed the originals. The microfilms were found after the war in Berlin and are now in Jerusalem at the Central Archives for the History of the Jewish People. I went through all these registers.

In olden times they were written in Hebrew as well as in German. The pages are divided into two halves. In German there is less information than on the Hebrew side which is written in old fashioned writing, not easy to read. But I found somebody to teach me how. And it was very interesting because on the Hebrew side it says, for instance, "Gittel daughter of such and such and the wife and widow of such and such," while in German it only says Gittel widow of the husband. The Hebrew side also indicates if the father predeceased the daughter. It's very, very helpful – the Hebrew side. After 1815 it was only written in German.

The cemetery was vandalised during the so-called Kristallnacht, and in 1944, after Allied bombs destroyed the water pipes so that people could not extinguish fires, a water pond was built in the cemetery. All the Jews of Fürth had either fled or been deported by this time. After the war Jewish American soldiers together with survivors of nearby camps went through the area and found many gravestones in the workshops of non-Jewish stone masons who would have removed the Jewish inscriptions and used them again for their purposes. Former Nazis were forced to help bring them back, to make order again, but as there was never a map, never a register of who was buried where, the gravestones that were brought back were put back in no particular order. And the bones had been thrown out of their graves so it was only an outside order. As much as could be found was put all together in one place where the pond had been.

The first stone wall around the cemetery was built in 1653 and from then on whenever the place was enlarged the wall was enlarged. Almost all of the last wall remains. Only in one place where they wanted to build the pond was it knocked down. Altogether the cemetery covers about 20,000 square meters and is one of the oldest and one of the largest in all Germany. Most of the graves of the famous rabbis were destroyed. There are only two left. One is of the last very important orthodox rabbi of Fürth who died in 1819. In 1815 and 1816 the summers were very, very rainy, the wheat in the fields was ruined, and the population was on the brink of starvation. And when finally in 1817 the first good harvest could again be brought into the city, a big celebration was made with all of the city honorables heading a parade. In the picture I have commemorating

the celebration the Catholic priest, the Protestant minister and the rabbi who died in 1819 are the focal point of attention.

In 1617, ten years after the cemetery was established, Fürth's first synagogue was built. The original building, enlarged and renovated over the centuries, existed right in the center of the city until November, 1938. Altogether, there were seven synagogues in Fürth. Four of them – the old, the new, the Klaus, and the Mannheimer – were in the Judische Shul Hof – the city's central square.

The Klaus synagogue was founded when the Fränkel family came with other exiles from Vienna in 1670. Klaus is German for shtibl in Yiddish. It is related to the English words "closed" and "cloister" and in German means an enclosure, a small private place. As the Fränkels' private synagogue, it served as such.

Since the early 17th century religious studies were conducted in various synagogues in Fürth; however, it was not until 1675 that the Fränkels established the first yeshiva in Fürth which grew to become a major European center of Talmudic studies. Classes were held initially in the Klaus synagogue. Members of many distinguished families, including Meyer Amschel Rothschild and his descendants, attended yeshivot in Fürth.

The Fränkels brought with them from Vienna a "memor book" that had been started in 1632. This book was kept on the bimah of the Klaus synagogue. Written into it were the names of the important people of the congregation who had passed away with the dates of their death and the period when Jahrzeit prayers were to be said for them. During the Nazi period the memor book was lost. Everyone thought it had been destroyed until it turned up in an antique shop and was offered to the Jewish Museum in Fürth, where it has been ever since.

The Obermayers are related to the Fränkels, but only tangentially through Hadassah or Hadas, a grand daughter of Joel and Yente Bamberger. Hadassah's first husband was Moses Krakauer from whom the Obermayers descend. Hadassah bore five children before Moses died in 1816. Two years later Hadassah married Bärmann Fränkel, a descendant and namesake of the rabbi who founded the first yeshiva in Fürth. There were no children. Actually, the marriage was dissolved. As for the Krakauers, who appear as Krakau on early gravestones, they came to Fürth before the 18th century and lived out their lives for generations as merchants and tradesmen.

Hadas (b. 1780) and Mosche Krakauer (1767–1816, a grocery retailer, had five children, all of whom were born and died in Fürth (see Exhibit 7 on next page):

Karoline (1807–1868) who had three children, all of whom emigrated to the United States, settling in both the North and the South;

Joel (1808–1856) a plate glass merchant who lived and died in Fürth but whose sons Max and Adolph emigrated to Texas and Mexico where they opened businesses, married Jewish spouses, and raised families;

David (1810–1883) a Fürth basket merchant who had no issue;

Yette (1811–1854) who married into the Hamburger-Helm linen merchant family and whose second oldest child Moritz (Moses) was a hospital superintendent who lived in Munich before emigrating to New York;

Nettie (1814–1875) who married Leopold Lehmann, a glass faceter also in the cattle business. Of their four children Simon (1845–1928) was born and died in Fürth with no issue, Helene (1846–1923) emigrated to Philadelphia where she married Hermann Rosenzweig and had six children; Veronika (1851–1928) followed her older sister to Philadelphia where she married Hermann Obermayer (1829–1897)(see Exhibit 8 on page 41) and had two sons, Henry Max and Leon Jacob; and Yetta (1856–1931) who followed her sisters to Philadelphia and married Joseph Oberdorfer from Oberdorf near Bopfingen and had two children.

Exhibit 7

Mosche (Moses) Krakauer (1767-1816) &
Hadassah (Hadas) Bamberger (1780-1836) ***[Exhibit 6]***

- Karoline (Chaja) Krakauer (1807-1864) &
  Samuel Hollerbusch (1801-1868)
- Joel Krakauer (1808-1878) & Mariana Frankfurter (1821-1894)
- David Krakauer (1810-1885) & Zilly Schlentheim (1807-1883)
- (Yendel) Yette Krakauer (1811-1854) &
  Benedit Wolf Hamburger Helm (1806-1859)
  - Moritz (Moses) Hamburger Helm (1843-) &
    Jeanie Birnbaum Bamberger
- Nettie Krakauer (1814-1875) &
  Leopold (Loeb) Lehmann (1806-1872)
  - Simon Lehmann (1845-1928)
  - Helene Lehmann (1846-1923) &
    Hermann Rosenzweig (1842-1916)
  - Veronika Lehmann (1851-1928) &
    Hermann Obermayer (1829-1897) ***[Exhibits 10 and 12]***
  - Yette Lehmann (1856-1931) & Joseph Oberdorfer (1843-1901)

Adjacent to a wall of the cemetery was a Jewish hospital. One of the oldest in Germany, it was established in 1653, shortly after the end of the Thirty Years War. From the very beginning it included both Jewish and non-Jewish doctors. Pregnant Christian women frequently availed themselves of the services of Jewish midwives at the hospital as there was nothing comparable among the Christians. There was also a synagogue in the hospital.

Like the orphanage, the hospital was kept up by donations. Holy donations in Hebrew is ha kodesh so the hospital was called hekdish from ha kodesh. Today

older people in Fürth call the area where the old hospital used to be the hekish even though they don't know why. It functioned as a hospital until 1846 when new facilities were established elsewhere.

There was and still is a synagogue in the new hospital building on Blumenstrasse 31 though it is no more than a small prayer room, a shtibl. Today the new hospital building contains apartments for Jewish people, including the rabbi and his family. The old building served as a living quarters for the warden of the cemetery until 1938 when it was ruined by the Nazis.

The synagogue in the new hospital building is Fürth's sixth. The so-called Polish synagogue, it is a bit apart from the other synagogues. In a back yard is the seventh, established in the early 1900s on Maxstrasse 22. The building still exists. You can see an outline of a mezzuzah on the door. It was not burnt down like the orphanage building because it was too close to buildings owned by non-Jews which would have burned down as well.

* * * * *

Rabbi Itsik Löwi's election as Fürth's chief rabbi in 1831 marked a fundamental change in the spiritual orientation of the majority of Jews in Germany – from Conservative to liberal Reform. It was a change resulting from the enlightenment and the subsequent emancipation of the Jewish population. In his day Rabbi Löwi was considered radical though today he would appear conservative. In the old synagogue, which was his synagogue, he moved the bimah where the torah is read away from the center to make room for a middle aisle like in a church. He also had an organ installed which was played on the Jewish Sabbath, much to the consternation of the Orthodox.

For many years there were vicious attacks from the Orthodox against Löwi and from Löwi against the Orthodox. Löwi wanted his inaugural speech printed in Hebrew; however, Jewish printers turned him down on the grounds that what he had to say was too radical for them to print. In their own way they were right for Löwi would soon close down the Chevra Kadisha, the society for the burial of the dead. "They are so old fashioned. Stop it. We don't need them," Löwi declared.

Itsik Löwi was born in a small town thirty kilometers from Fürth. When Fürth's chief rabbi passed away in 1819, Fürth was already a part of Bavaria. Before Bavarian rule, the Jews of Fürth could decide for themselves who was going to be their chief rabbi. Now, however, the royal government in Munich had to decide. Several rabbis of whom the Jewish community approved, the Bavarian government vetoed. They wanted a rabbi fluent in spoken and written German who had studied in a German university.

Previously, rabbis had come from the East, spoke Yiddish, and prayed in Hebrew. No chief rabbi was installed until 1831 when Dr. Löwi applied for the

job. He had been a student in the Yeshiva at Fürth, had studied philosophy at the University in Munich and gained his doctorate there. He received the approval of the royal government and, though the Orthodox part of the congregation wanted to split off into their own congregation, the Bavarian government wouldn't hear of it.

A progressive rabbi, Löwi established a vocational school, a Gewerbeverein, to help young Jewish men, including in all likelihood members of the Krakauer and Bamburger branches of the Obermayer family, enter skilled crafts and trades they hadn't previously been allowed to enter, but were now able to because of Jewish emancipation. The Gewerbeverein became a model for similar associations in other Bavarian cities. He also helped Jews in Fürth to open small businesses by making interest free loans available to them.

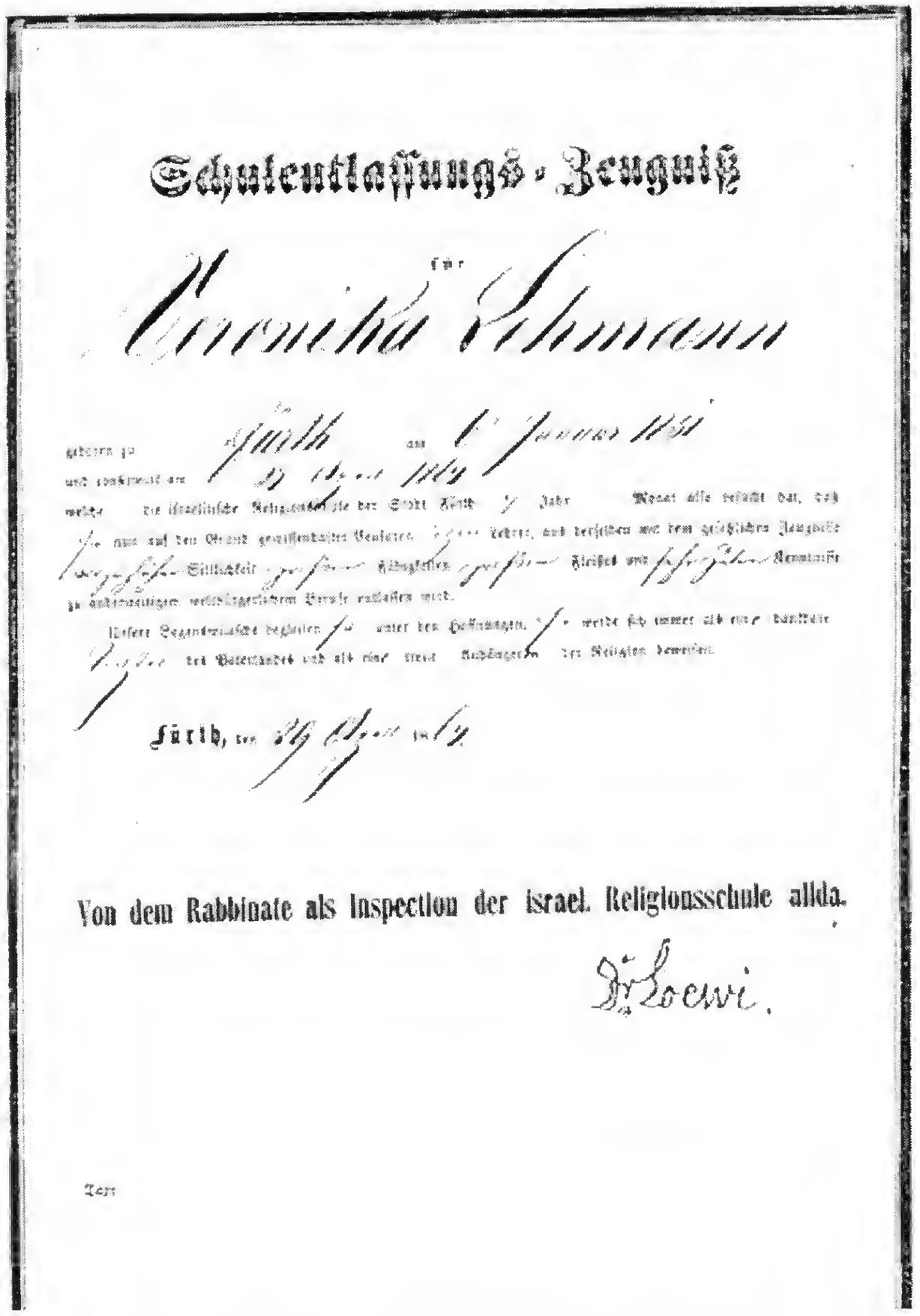
Dr Löwi met regularly with a Protestant minister and a Catholic priest to discuss what was important for the city from each of their points of view. They were very close to each other, very friendly. So one day the priest said, "Oh, Dr. Löwi, you are such a wonderful man, such a modern man. And you understand so much, only you still keep kosher. I wonder when you will finally eat pork as we do?" "I'll tell you, my friend," Dr. Löwi answered. "The day of your marriage."

* * * * *

Hitler came once to Fürth which had a better airport in the early '30s than Nuremberg. He flew into Fürth and was taken by car right through the city and people threw tomatoes at him. He never entered Fürth again; however, later on Fürth was no better than any other Franconian city. During the so-called "Kristallnacht" the entire Schulhof complex was burned down. Jewish shops along Schwabacher Strasse were destroyed and looted. SA-men broke into the Jewish hospital. Jews were forced together in the main place of the city. The men were taken to the Berlotzheimer Library, established by Herr Berlotzheimer, a Jewish philanthropist. There they were tortured. Their beards were cut off. One person was killed, one committed suicide.

On November 29, 1941 the first deportation of Jews from Fürth took place. Their destination along with others from Franconia was the death camps of Latvia. Among the deportees of March 24, 1942 to Izbica in Poland were the Jewish orphans from Julienstrasse. The head of the orphanage, Dr. Ismar Hallemann (after whom Julienstrasse was renamed) and his wife Clara, voluntarily accompanied their charges to this place of no return. The last rabbi of Fürth, Dr. Siegfried Behrens, and his family also fell victim to this transport. In the Shoah at least 886 Jews from Fürth were killed. After the liberation 40 survivors returned. Today there is a new Jewish congregation.

* * * * *



Schulentlassungs-Zeugniß

für

Veronika Lehmann

geboren zu Fürth am 6 January 1857

und konfirmirt am 29 March 1871 zu Fürth 14 Jahr 3 Monat alt, hat

welche die israelitische Religionsschule der Stadt Fürth 7 Jahr lang mit

Fleiß und Betragen besucht, und verlassen wird, hat während dieser Zeit

in allen Lehrgegenständen

Fürth, am 29 March 1871

Von dem Rabbinate als Inspection der israel. Religionsschule allda.

Dr Löwi.

Confirmation Certificate of Veronika Lehmann signed by Rabbi Löwi.

From the time Jews gained equal citizenship rights, Jewish children had to be educated in secular subjects. In 1867 plans were made to erect a Jewish school where both secular and religious subjects would be taught. It was called the Israelitische Realschule and opened in 1869, Its most famous student is Henry Kissinger, born Heinz on May 27, 1923 in a small apartment at Mathildenstrasse

23. Kissinger's father Louis was a teacher in the public girl's high school when my mother was one of his students. Later when the Nazis did not allow Jewish people in any public position, he became a teacher at the Israelitische Realschule until they emigrated to America in 1938.

When Henry Kissinger came back the first time after the war, his father and mother joined him. Naturally, he was taken to the girl's high school and he happened to be taken to the class where my daughter was. She lifted her hand and said, 'Herr Kissinger: My grandmother was a student of yours and she sends her best regards to you.' And he asked, 'What is the name of your grandmother?' My daughter said the name was Hägendörfer. And like a bullet right out of a pistol he said, 'Fägl oder Anna Marie?' – my mother or my aunt, both of whom had Herr Kissinger as their teacher so many years ago. In May 1998 Henry Kissinger accepted honorary citizenship of his place of birth."

For extensive Fürth genealogical family records,
see Appendix K: Descendants of Kallman Lichtenstädter of Fürth.

jüdischesmuseumfranken

Ausstellungen | Veranstaltungen

Oktober 06 - März 07

Programmübersicht Jüdisches Museum Franken in Fürth

So, 22.10.06, 14 Uhr | Ausstellungseröffnung
Geschenkt!
Die Unternehmer und Mäzene Berolzheimer
Eröffnungsrede: Dr. Katrin Pieper, Monika Berthold-Hilpert

Di, 07.11.06, 19.30 Uhr
Der Synagogensucher - Lebenserinnerungen
Buchvorstellung mit Professor Dr. Meier Schwarz
in Kooperation mit Geschichte für Alle e.V.

Di, 14.11.06, 19.30 Uhr | Veranstaltung des Fördervereins
Die Nottaufe
Buchpremiere mit Ruth Weiss
(Veranstaltungsort: Grüne Scheune Fürth, Kirchenplatz 7)
Eintritt für Fördervereinsmitglieder frei

Di, 12.12.06, 19.30 Uhr | Begleitprogramm »Geschenkt!«
Volksbildung - Ein nicht vollendetes Projekt
bürgerlicher Kultur? Der Fall Berolzheimerianum
Vortrag von Professor Dr. Dieter Nittel, Frankfurt am Main

Di, 16.01.07, 19.30 Uhr
Mein erster Mörder
Lesung mit Vladimir Vertlib, Salzburg

Di, 06.02.07, 19.30 Uhr | Begleitprogramm »Geschenkt!«
Jüdisches Mäzenatentum in Deutschland
Befunde - Motive - Hypothesen
Vortrag von Professorin Dr. Elisabeth Kraus, München

Di, 27.3.07, 19.30 Uhr | Vortrag
Die Musealisierung des Holocaust
Vortrag und Buchvorstellung von Dr. Katrin Pieper

Programmübersicht Jüdisches Museum Franken in Schnaittach

Do, 09.11.06, 18.30 Uhr | Ausstellungseröffnung
Der Synagogenleuchter von Schnaittach
Eröffnungsrede: Birgit Kroder-Gumann, Schnaittach

Do, 08.03.07, 18.30 Uhr
Zwischen Provinz und Urbanität
Jüdische Volksfrömmigkeit in Süddeutschland
Vortrag von Dr. Uri Kaufmann, Heidelberg

Führungen

Fürth

Museumsrundgang
jeden ersten Sonntag im Monat um 14 Uhr
ohne Anmeldung

Kurzführungen durch die Sonderausstellung »Geschenkt!«
Di, 18.30 Uhr: 7.11.06, 5.12.06, 2.12.07
ohne Anmeldung

Stadtführung Jüdische Stiftungen
So, 12.11.06, um 14 Uhr (Treffpunkt: Jüdisches Museum Franken in Fürth), ohne Anmeldung

Sonntagsführungen
durch die Sonderausstellung »Geschenkt!«
So, 10.12.06 + So, 25.2.07, jeweils um 14 Uhr
Beginnt im Jüdischen Museum Franken in Fürth und endet im Berolzheimerianum (Comödie Fürth, Theresienstr. 1)
ohne Anmeldung

Schnaittach

Landjudentum Museumsrundgang
jeden ersten Sonntag im Monat, 14 Uhr
ohne Anmeldung

Nur als Gruppenführung buchbar:

Jüdisches Leben in Schnaittach - Stadtführung
Der Rundgang führt von der ehemaligen Synagoge, zum jüdischen Friedhof und durch die Marktgemeinde Schnaittach.

Medinat Aschpa
Geschichte der Jüdischen Gemeinde Schnaittach
Kombiführung: Führung durch die Männer- und Frauenschul und zum jüdischen Friedhof

Der jüdische Friedhof in Schnaittach
Führung am jüdischen Friedhof in Schnaittach

Schulprogramm

Fürth

Jüdisches Leben in Franken (ab der 6. Klasse)
Das ehemals jüdische Wohnhaus aus dem 17. Jh. mit einer historischen Laubhütte, einem Ritualbad im Keller sowie zahlreichen Judaika, ist ein authentischer Lernort für die Erkundung jüdischen Lebens in Fürth.
Wahlweise mit Schwerpunkt Geschichte oder Religion.

Jüdische Kindheit und Jugend (ab der 8. Klasse)
Mit Texten, Tonbeispielen und Objekten lernen Jugendliche Hannah kennen und erfahren Aspekte jüdischer Kindheit und Jugend nach 1945. Dabei werden jüdische Identität heute wie auch die Nachwirkungen der Schoa auf die Gesellschaft reflektiert.

Von Heuschrecken und Mazzes (4.-6.Klasse)
Spielerisch begreifen Kinder wie Pessach-Speisen und Rituale Volkwerdung und Selbstbestimmung, aber auch Zeiten von Entbehrung und Unterdrückung symbolisieren.

Menschenrechte
Dependance Krautheimer-Krippe (ab der 6. Klasse)
Anhand der Familiengeschichte Krautheimer im Nationalsozialismus werden Schüler für die Bedeutung der Menschenrechte sensiblisiert, welchen Schutz sie bieten und welche Forderungen sich daraus ergeben

Führungen in Zusammenarbeit mit Geschichte für Alle e.V.

Schnaittach

Jüdisches Leben in Schnaittach (ab der 4. Klasse)
Die ehemalige Synagoge aus dem 16. Jh. mit Rabbineranbau und einem historischen Ritualbad eignet sich als authentischer Lernort für die Erkundung jüdischen Lebens in Schnaittach. Wahlweise mit Schwerpunkt Geschichte oder Religion. Kombiführung mit Besichtigung des jüdischen Friedhofs möglich.

24.10.06-25.2.07 | Ausstellung in Fürth

Geschenkt!
Die Unternehmer und Mäzene Berolzheimer

Die Förderung der Künste und Wissenschaften durch das wohlhabende Bürgertum war in Deutschland vor hundert Jahren weit verbreitet. Dabei orientierten sich großzügige Stifter am Gemeinwohl und gaben einen Anstoß zu gesellschaftlichen Reformen.

In Fürth und Nürnberg stiftete der Bleistiftfabrikant Heinrich Berolzheimer die ersten Volksbildungsheime und ein Künstlerhaus für die breite Bevölkerung.

Die Ausstellung beschreibt anhand von Erinnerungsstücken aus dem Privatbesitz den wirtschaftlichen und gesellschaftlichen Aufstieg der Unternehmerfamilie Berolzheimer. Im Zentrum der Schau steht ihr Auftreten als Mäzene und die Bedeutung ihres gesellschaftlichen Engagements, das die Familie bis heute pflegt. Dabei wird erstmals eine Auswahl bedeutender Kunstschenkungen an die Städte Fürth und Nürnberg gezeigt.

Eröffnung: So, 22.10.06, 14 Uhr
Eröffnungsrede: Dr. Katrin Pieper, Monika Berthold-Hilpert

mit freundlicher Unterstützung der Stadt Fürth

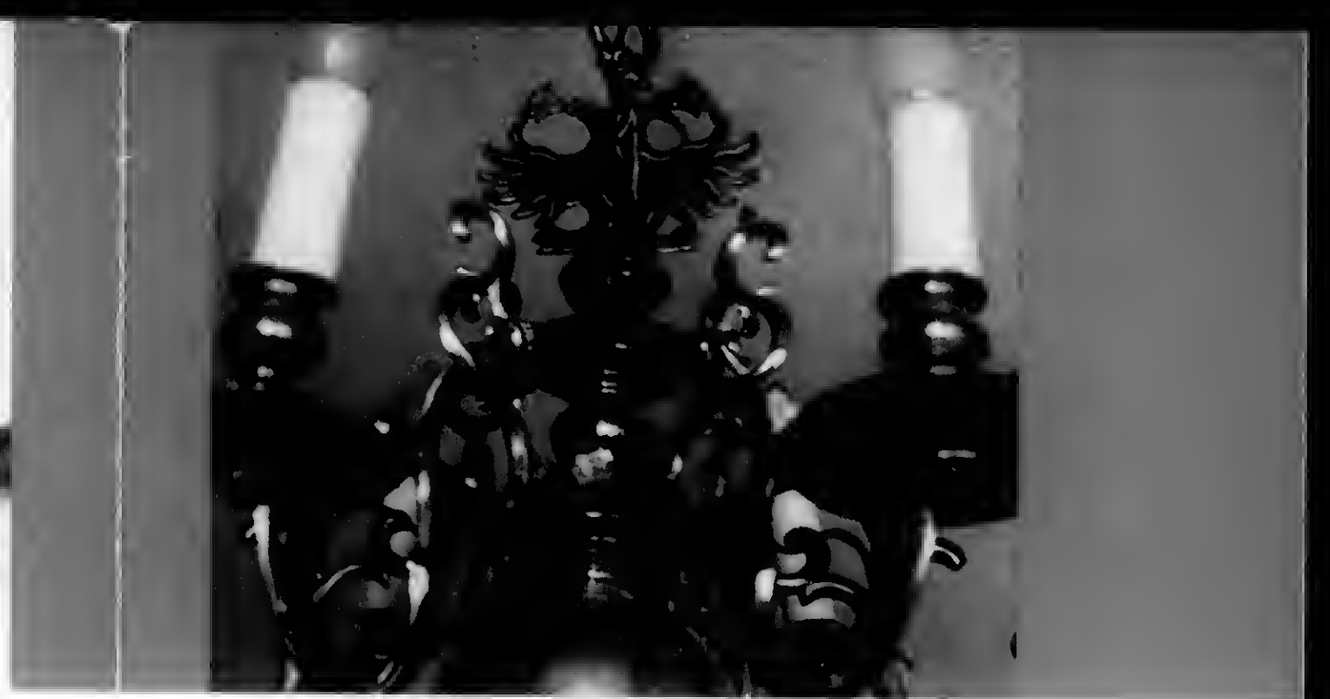
Di, 16.1.07, 19.30 Uhr | Lesung in Fürth

Mein erster Mörder
Lesung mit Vladimir Vertlib

»Der Mörder hat mich zum Abendessen eingeladen. Er und seine Frau kochen gemeinsam. Sie macht die Vorspeise, er das Hauptgericht. Auf sein Nachfragen hin, gebe ich zu, dass er der erste Mörder ist, den ich in meinem Leben kennen lerne. Er lacht. Für ihn hingegen sei ich längst nicht der erste Neugierige, meint er. Allerdings habe bis jetzt niemand etwas über ihn schreiben wollen. Nach dem Essen trinken wir Tee aus Gläsern mit vergoldeten Untersätzen und sprechen über den Mord, den der Mann vor zwanzig Jahren begangen hat.«

In seinem neuen Roman zeichnet Vladimir Vertlib das Leben von Menschen nach, die zwischen politischer Willkür und schicksalhaften Gegebenheiten ihr Überleben, aber auch ihre Würde zu sichern versuchen - drei außergewöhnliche Schicksale, die mit unserer Geschichte untrennbar verbunden sind.

Vladmir Vertlib, 1966 in Leningrad geboren, emigrierte 1971 nach Israel, zog 1981 nach Österreich und lebt heute als freier Schriftsteller in Salzburg.



10.12.06 + 25.2.07, 14-16 Uhr | Kinderprogramm in Fürth

mal' mal!

Die Bleistiftfabrikanten Berolzheimer unterstützen seit fünf Generationen großzügig die Kunst, indem sie Werke berühmter Maler erwerben und an Museen schenken.

Am Anfang jedes großen Kunstwerks steht die Zeichnung. Anhand ausgewählter Objekte in der Ausstellung lernen Kinder, Dinge aus einer neuen zeichnerischen Perspektive zu betrachten und künstlerisch umzusetzen.

Leitung: Verena Waffek, Atelier Waffek Nürnberg
Ort: Jüdisches Museum Franken in Fürth
Teilnahme für Kinder ab 6 Jahren (2 Euro)

So, 09.11.06, 19 Uhr | Ausstellung in Schnaittach

Der Synagogenleuchter von Schnaittach

Mehr als 60 Jahre nach der Verwüstung der Schnaittacher Synagoge in der Pogromnacht vom 9. auf den 10. November 1938 erhält das Jüdische Museum Franken in Schnaittach einen von ursprünglich neun Synagogenleuchtern für die Museumssammlung zurück.

Die Synagogenleuchter von Schnaittach galten lange als zerstört oder verschollen. Im Rahmen der Reihe »Objekte mit Geschichte« wird die wechselvolle Geschichte des 270 Jahre alten Leuchters vorgestellt. 202 Jahre lang erfüllte er in der Synagoge seine Bestimmung. 68 Jahre lang, seit der Pogromnacht, befand er sich an wechselnden Orten in privaten Händen. Ein Vermächtnis sicherte nun seine Rückkehr. Seine Existenz wirft die Frage nach dem Schicksal der weiteren Synagogenleuchter von Schnaittach auf.

Eröffnungsrede: Birgit Kroder-Gumann, Schnaittach

jüdischesmuseumfranken

Jüdisches Museum Franken in Fürth / Café und Literaturhandlung

Königstraße 89
D-90762 Fürth
Tel +49 (0)911-770577

Öffnungszeiten
Di 10-20 Uhr, Mi-So 10-17 Uhr
Schließtage: 10.10.06 (ab 12 Uhr), 24./25.12.06, 30./31.12.06, 1.1.07

Verkehrsanbindung
Vom Hbf Nürnberg oder Fürth:
U1 bis Fürth Rathaus
Parkhaus: City Center

Dependance Krautheimer-Krippe

Maistraße 18
D-90762 Fürth
Tel +49 (0)911-770577

Öffnungszeiten
Für Gruppen- und Schulführungen nach tel. Vereinbarung

Verkehrsanbindung
Vom Hbf Nürnberg oder Fürth:
U1 bis Jakobinenstraße

Jüdisches Museum Franken in Schnaittach

Museumsgasse 12-16
D-91220 Schnaittach
Tel +49 (0)9153-7434 / +49 (0)911-770577

Öffnungszeiten
Sa + So 11-17 Uhr
Schließtage: 24./25.12.06, 30./31.12.06, 01.01.07

Verkehrsanbindung
PKW: A9 Richtung Berlin (Ausfahrt Schnaittach)
Bahn: von Nürnberg Hbf, 40 Min.

Eintrittspreise

Dauerausstellung
3 Euro / 2 Euro erm.

Sonderausstellung
3 Euro / 2 Euro erm.

Kombiticket
5 Euro / 3 euro erm.

Freier Eintritt
Kinder bis 12 Jahren (gilt nicht im Klassenverband)

Führungspreise in Fürth und Schnaittach

Führung für Schulklassen
2,50 Euro pro Schüler, Begleitpersonen frei

Kombiführung in Schnaittach (Museum und Friedhof)
3 Euro pro Schüler, Begleitpersonen frei

Gruppenführung
40 Euro Führungspauschale zzgl. Eintritt pro Person (ab 12 Personen erm. Eintritt)

Museumsrundgang
jeden 1. Sonntag im Monat
5 Euro / 4 Euro erm.

Kurzführung
2 Euro pro Person

Jüdisches Museum Franken Bibliothek, Archiv und Verwaltung

Nürnberger Straße 3
D-90762 Fürth
www.juedisches-museum.org

Zentrale
Tel +49 (0)911-770577
Fax +49 (0)911-7417896
info@juedisches-museum.org
Presse
+49 (0)911-97798624
Bibliothek
+49 (0)911-97798625

Impressum
Herausgegeben vom Jüdischen Museum Franken – Fürth & Schnaittach, Nürnberger Str. 3, 90762 Fürth; Fotos: Jüdisches Museum Franken (8); Texte: Daniela F. Eisenstein, Markus Wener; Druck: GH Druck + Digitale Medien, Fürth

jüdischesmuseumfranken
the jewish museum of franconia

The Jewish Museum of Franconia – Fürth & Schnaittach

The Jewish Museum of Franconia is governed by an association founded in 1990 and constituted by the following bodies: The Foundation of the District of Middle Franconia, the Fürth Municipality, the Nuremberg Rural District Council and the Market-Town of Schnaittach.

The Association covers the operating expenses and personnel costs. Exhibits, publications, events and projects are covered completely through donations and fundraising.

Fürth and Schnaittach

The Jewish Museum of Franconia is situated in Middle Franconia (Southern Germany). The Museum consists of a main Museum and a small branch in Fürth as well as a second Museum in Schnaittach.

Fürth

The Jewish Museum of Franconia in Fürth is situated in an historical building dating from the 17th century. The permanent exhibit in Fürth deals with urban Jewish life in Franconia and Fürth. Highlights of the permanent exhibit are also a ritual bath and sukka (tabernacle) dating back to the 18th century. A further branch of the Jewish Museum in Fürth is the former »Krautheimer Children's Nursery«.

The Krautheimer Nursery

Following the exhibition on the history of the Krautheimer Family, which showcased a wide variety of original objects in an effort to shed light on the history of the Krautheimer family, the Jewish Museum of Franconia opened a permanent exhibit in the former Krautheimer Nursery in Fürth. As a result, the memory of the family who was the benefactor of the nursery has now been given a permanent place in Fürths townscape.

Schnaittach

The Jewish Museum in Schnaittach is situated in a former synagogue (erected in the 16th century). The permanent exhibit deals with rural Jewish life, On display are one of southern Germany's largest collections of Judaica on rural Jewish life.

jüdischesmuseumfranken
the jewish museum of franconia

Exhibitions

The Jewish Museum of Franconia organizes **temporary exhibits in both Museums.** Further facilities are the **Library and Archives of the Jewish Museum of Franconia**, both situated in Fürth.

Jakob Wassermann: German Jew Poet
(Oct.19, 2005, to March 12, 2006)
The first exhibit about the life and work of Jakob Wassermann, who was born in Fürth. Wassermann belonged to Germany's most popular authors in the 1920s and 1930s. His literature though was forbidden during National Socialism and since then remained forgotten. Only recently have renowned German publishing companiesbegun to publish Wassermann's literature again. Within the course of research for the exhibit, one of Wassermann's long lost diaries was discovered in Australia. The Jewish Museum organized the first academic conference on Wassermann in cooperation with the University of Erlangen in October. Both, exhibit and conference, will be documented in a catalogue by the Wallstein Publishing Company (Göttingen) in Spring 2006.
Curators: Markus Wener, Monika Berthold-Hilpert, Jutta Fleckenstein

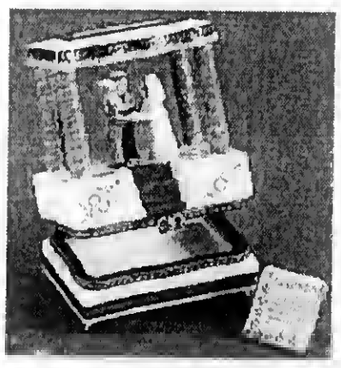
Upcoming Exhibits in 2006 and 2007

Michaela Melian: Föhrenwald
March 31 to May 14, 2006

Art Project on the Displaced Person's Camp in Föhrenwald (Bavaria).

Kick it Like Kissinger
May 30 to Sept. 9, 2006

in cooperation with the Jewish Museum of Frankfurt on occasion of the Soccer World Cup in Germany.



From Matzah Balls to Marriage
April to June 2007

Exhibits on occasion of Fürth's 1000 Year Jubilee

Benefactor Berolzheimer
Oct. 17, 2006 – Feb 25, 2007

Fürth - Franconian Jerusalem
July 7 to Oct 1, 2007

Born in Fürth – The Nathan Saga
Nov. 7, 2007 to Feb. 24, 2008

jüdischesmuseumfranken
the jewish museum of franconia

Projects

Jewish Heritage Network Franconia
The Jewish Museum of Franconia has been documenting Jewish sites in Franconia since 2000. The first results were presented in an exhibit in 2001. It offered an overview of museums and public institutions, erected in former Jewish synagogues or schools.
The Jewish Museum of Franconia is creating a central network for conveying the cultural events of the vast amount of smaller Jewish Museums and cultural institutions, who deal with Jewish history and culture in Franconia, by erecting a website and publishing a Jewish travel guide for Franconia. The website will be online in summer 2006.

Architectural Contest for Annex
The City of Fürth is planning an annex for the Jewish Museum of Franconia in Fürth. The annex will encompass a new auditorium and exhibition space, the library and archives, a new learning center as well as office space for the Museum's staff and the new Chair for Jewish History and Culture in Franconia of the University of Erlangen to be established in 2008/9. An architectural contest will be conducted in 2006 to design an annex of achtectonic quality.

Krautheimer Library für Jewish History and Culture
Decendants of the Krautheimer family from Fürth made a generous donation to the Jewish Museum of Franconia. The donation was meant to provide the Library of the Jewish Museum of Franconia with new technical equipment in the annex.

Learning Center
The Jewish Museum of Franconia will erect a Learning Center in the new annex. The Learning Center will focus on the interactive presentation of Jewish history and culture in Franconia.

Jewish Genealogy in Franconia
Due to growing genealogical inquiries, the Jewish Museum of Franconia is now processing collected genealogical material into a database. In part, the data base will be integrated into the planned Learing Center.

Staff

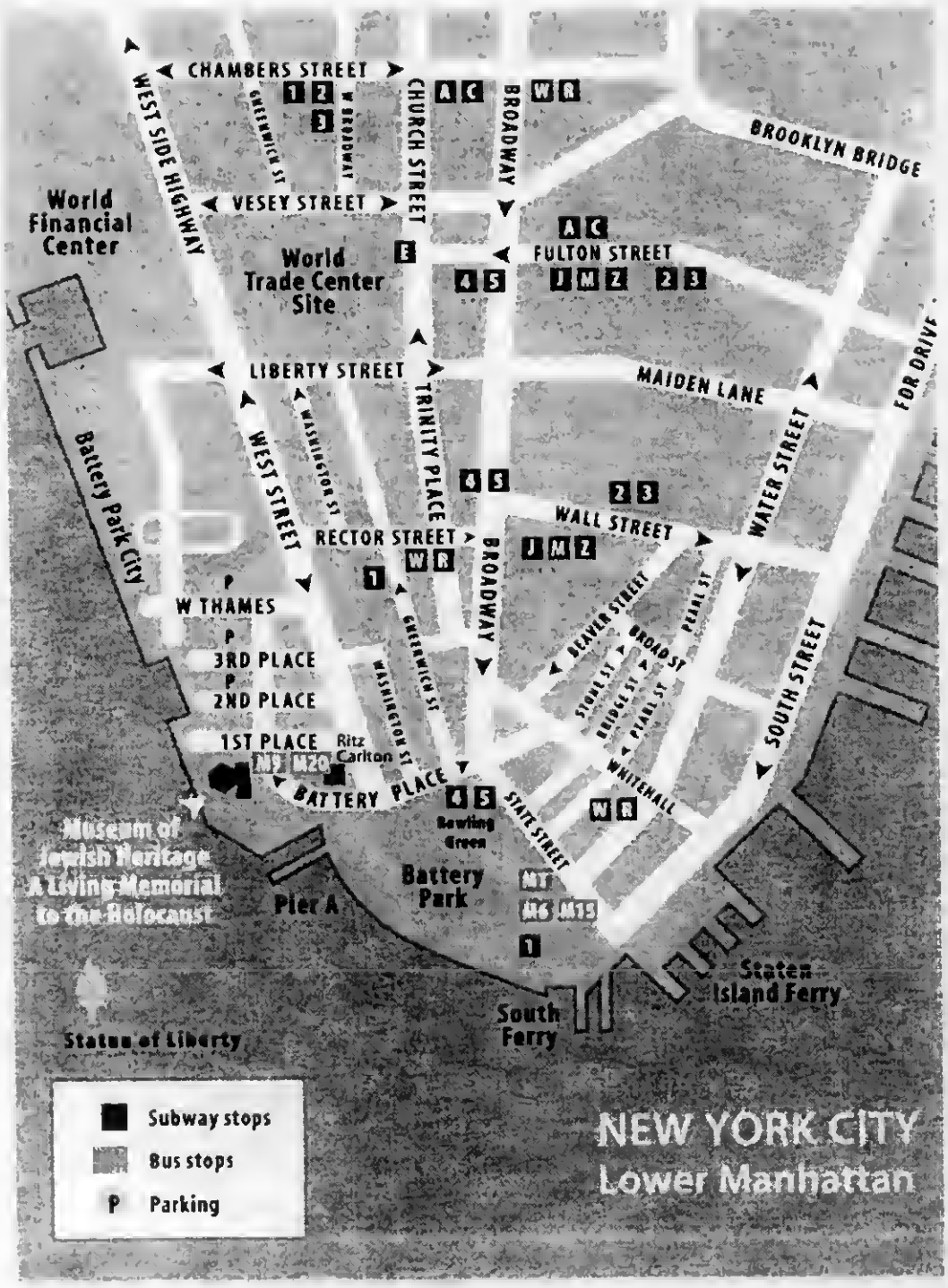
Daniela F. Eisenstein, Director
Tel. +49-(0)911-770577 / eisenstein@juedisches-museum.org

Christa Stocker, Office and Administration
Tel. +49-(0)911-770577 / Fax +49-(0)911-7417896 / stocker@juedisches-museum.org

Markus Wener, Curator and Press Officer
Tel. +49-(0)911-977 986-24 / wener@juedisches-museum.org

Monika Berthold-Hilpert, Curator
Tel. +49-(0)911-977 986-24 / berthold-hilpert@juedisches-museum.org

Michaela Fröhlich, Library and Archives
Tel. +49-(0)911-977 986-25 / froehlich@juedisches-museum.org



Directions

Museum of Jewish Heritage
A Living Memorial to the Holocaust
36 Battery Place
New York, NY 10280
(first floor)

Subway:
4/5 to Bowling Green, walk west along Battery Place.
W/R to Whitehall Street, walk west along Battery Place.
1 to South Ferry, walk north along Battery Park/State Street, turn left and walk west on Battery Place.
J/M/Z to Broad Street, walk one block west to Broadway, and then south to the corner of Battery Place and Bowling Green. Walk west on Battery Place.

Bus:

M1 to Battery Park.
M6 to Battery Park.
M9 to Battery Park City, stops in front of Museum.
M15 to Battery Park City.
M20 to Battery Park City, stops in front of Museum.

Ferry:

Staten Island Ferry

Driving:

FDR Drive to Battery Park City East exit
or West Side Highway becomes West Street,
turn right onto Battery Place, or call 1.646.437.4200.

Parking

The Museum offers a $3 discount on parking at three nearby garages. Visitors should present their parking ticket at the admissions desk to receive discount calidation.

for further information please contact

Daniela F. Eisenstein
Jewish Museum of Franconia
Nuernberger Str. 3
90762 Fuüth, Germany
Tel. 01149-911-770577
Fax 01149-911-7417896
info@juedisches-museum.org
www.juedisches-museum.org

or

Susanne Kramer
Head of Press Office
City of Fürth
Tel 01149-911-974 1200
Fax 01149-911-974 1205
susanne.kramer@fuerth.de
www.fuerth.de

R.S.V.P. by March 17, 2006
to
Susanne Kramer

Stadt Fürth

jüdischesmuseumfranken

MUSEUM OF JEWISH HERITAGE | A LIVING MEMORIAL TO THE HOLOCAUST

You are cordially invited to

Dealing with Franconian Jewish Heritage Today
A Transatlantic Affair

an event

organized by the City of Fürth
and
The Jewish Museum of Franconia
Fürth & Schnaittach

in cooperation
with the
Museum of Jewish Heritage
A Living Memorial to the Holocaust

Sunday, March 26, 2006
2 p.m. to 4 p.m.

at the
Museum of Jewish Heritage
A Living Memorial to the Holocaust
(36 Battery Place, New York, NY, 1st floor)

Dealing with Franconian Jewish Heritage Today
A Transatlantic Affair
March 26, 2006

2 p.m.
Welcome Address
Dr. David G Marwell
Director, Museum of Jewish Heritage -
A Living Memorial to the Holocaust

Welcome Address and Introductory Remarks
Dr. Thomas Jung
Lord Mayor of the City of Fürth

2.15 p.m.
»Putting the Pieces Together«
Reuniting Jewish Franconian Families
Honorary Guest Speaker Frank A. Harris
New York

2.30 p.m. - 2.45 p.m.
Preserving German Jewish History
Dr. Frank Mecklenburg
Director of Research and Chief Archivist,
The Leo Baeck Institute, New York

Coffee break - Buffet

3.15 p.m. - 3.30 p.m.
Reconstructing Jewish Family History
Karen Franklin
Family Research Program Leo Baeck Institute
Director of the Judaica Museum Riverdale, New York

3.30 p.m. - 3.45 p.m.
Fürth - The »Franconian Jerusalem« Is Celebrating
Its Thousand Year Jubilee
Walter Landgraf
Project Coordinator, City of Fürth

3.45 p.m. - 4.00 p.m.
Dealing with Jewish Heritage in Franconia Today
Daniela F. Eisenstein
Director of the Jewish Museum of Franconia
Fürth & Schnaittach

Discussion

AR 25538 3/9 HOMER CUMMINGS & HIS AID TO RAHN FAMILY 1938, 1989-2002 ARCHIVES

Folder # 2

1/31/02

Fred Romanski
National Archives (301) 713-7230
College Park x277
8601 Adelphi Rd.
College Park, MD. 20740-6001
attn: Textual Reference Branch
e-mail: fred.romanski@nara.gov
FAX: (301) 713-6907

Mr. Romanski asked me to get case file # - which is a class # and then a 5 digit #. I couldn't find any.

HEMENWAY & BARNES

COUNSELORS AT LAW

60 STATE STREET

BOSTON, MASSACHUSETTS 02109-1899

TELEPHONE (617) 227-7940

TELECOPIER (617) 227-0781

ALFRED HEMENWAY
(1863-1927)

CHARLES B. BARNES
(1893-1956)

GEORGE H. KIDDER
DAVID H. MORSE
ROY A. HAMMER
LAWRENCE T. PERERA
JOHN J. MADDEN
GEORGE T. SHAW
TIMOTHY F. FIDGEON
RUTH R. BUDD
MICHAEL B. ELEFANTE
DOUGLAS A. MUIR
ALICE E. RICHMOND
MICHAEL J. PUZO
THOMAS L. GUIDI
EDWARD NOTIS-McCONARTY
DIANE C. TILLOTSON
SUSAN HUGHES BANNING
FREDERIC J. MARX

EDWARD P. MANNIX
NANCY BADER GARDINER
DEBORAH J. HALL
MICHAEL L. LESHIN
KURT F. SOMERVILLE
TERESA A. BELMONTE
BARBARA ZICHT RICHMOND
CLAUDE J. KAZANSKI
SARAH GENTRY TISCHLER
MARTHA SIMMONS-SOBOL

GUIDO R. PERERA
OF COUNSEL

April 5, 1989

Samuel Schoonmaker, III, Esquire
Cummings & Lockwood
10 Stamford Forum
P.O. Box 120
Stamford, CT 06904

Dear Sam:

The cocktail reception which your law firm gave in Naples was delightful. As I mentioned to you afterwards, I had not realized that this was the former firm of Homer Cummings and I was very moved by that fact. I do not know very much about Mr. Cummings, but what I do know is that I owe my life to him. I thought that for your firm's history you might want to know the difference that one of his decisions as Attorney General of the United States made.

I was born in Germany of wealthy upper class parents whose property and business, which had been in the family for over 200 years, had been confiscated and we were preparing to emigrate to the United States. My father (A.R. in the attached opinion) was planning to leave with a small amount of money when the Gastapo came, discovered this and charged him with violating certain laws of the Third Reich. As a result of these violations, he was found guilty and imprisoned for 14 months. During this time, the visa to come to the U.S. expired and when my mother went to reapply, because the prison term was to end, she was told by the American Consulate that the United States does not issue visas to persons who have been convicted of crimes or misdemeanors involving moral turpitude, which this was deemed to have been. My uncle, who had emigrated to the United States in the 20's and was an American citizen, went to Washington, hired a law firm and the end of a story that took over a year, is this very last opinion of Homer Cummings dated December 31, 1938, which is my father's case. The opinion states that despite the long tradition in American law of giving full faith and credit to

judgments of foreign courts, because of the extraordinary situation in Germany at that particular time, he would look behind this judgment. The last sentence, which advises the Secretary of State to issue the visa, which then occurred and allowed my family to leave in early 1939, not long before the war began.

I think you can be very proud to be a member of a firm founded by a man of such courage and convictions, and I wanted to share this with you.

I enjoyed, as always, seeing you and other members of your firm and look forward to seeing you again at future AAML meetings.

Sincerely yours,

Ruth R. Budd

RRB:emh

HOMER CUMMINGS

Who was this man, who as U.S. Attorney General rendered an opinion that saved my life and that of my family? What was his background? What propelled him to render the strong opinion he did, in light of the times, and clear opposition from other departments of the government? I became extremely interested in finding out more about him and what prompted his decision.

First, some basic facts about the man.
He was born in 1870 in Chicago and received his undergraduate degree from Yale University in 1891 and his L.L.B. from Yale Law School in 1893. He than practiced law in Stamford, Conn. And in 1901 joined with Charles D. Lockwood to form the law firm of Cummings and Lockwood. He remained a partner until 1933 when he became U.S. Attorney General.

Cummings entered politics almost immediately. In 1896 he supported William Jennings Bryan and the Connecticut Democrats nominated him for Secretary of State. The decision for Bryan rested on his conviction that government, law and the Democratic party were the instruments for the achievement of social justice in America. His progressive sensibility was reinforced by his gifts as an orator. He was an incisive, dramatic trial lawyer, and an astute, and loyal political manager.

In 1900, 1901 and 1904 he was elected mayor of Stamford where he instituted a progressive municipal program. He was nominated for congressman-at-large in 1902 and for U.S. Senator in 1910 and 1916, losing narrowly. During Cummings' last year as county prosecutor, a vagrant, Harold Israel, was indicated for the murder of a popular parish priest on a street corner in Bridgeport. The evidence, including a confession, appeared overwhelming, but Cummings, after scrupulous investigation, became convinced of Israel's innocence. In a gripping courtroom scene he asked for and secured dismissal of the charge. In 1931 the National Commission on Law Observance and Enforcement (the Wickersham Commission) praised this act, and a film, "BOOMERANG" (1947) dramatized the affair.

Cummings began his association with the national Democratic party in 1900, when he was named committeeman from Connecticut, a post he held until 1925. He was delegate to many national conventions, and served as vice-chairman of the national committee from 1913-1919 and as chairman from 1919-1920. Cummings greatly admired Woodrow Wilson and delivered a passionate keynote address at the 1920 convention in praise of the stricken president..

Cummings married four times. His marriage to Helen W. Smith in 1897 ended in divorce in 1907. They had one son, Dickinson Schuyler Cummings. His 1909 marriage to Marguerite T. Owings was dissolved in 1928. The marriage to May Cecilia Waterbury in 1929 was happy; she died 10 years later. He published a memoir "The Tired Sea" (1939) as a tribute to Cecilia. In 1942 he married Julia Alter, who died in 1955.

With the coming of the Depression Cummings reentered politics In 1932 he helped persuade 24 senators and numerous congressmen to announce their support for Franklin D. Roosevelt. At Chicago he planned strategy, operated as floor manager, and delivered a resounding seconding speech. Following the election, Roosevelt chose Cummings as governor-general of the Philippines. However, when Senator

Walsh, who had been designated attorney general, died on March 2, 1933, Roosevelt named Cummings to lead the Justice Department on March 4. He served almost 6 years as attorney general; only one previous attorney general had served longer.

Cummings transformed the Department of Justice. He established uniform rules of practice and procedure in federal courts. Appalled by the crime waves of the Prohibition era, he secured the passage of twelve laws that buttressed the "Lindbergh law" on kidnapping, made bank robbery a federal crime, cracked down on interstate transportation of stolen property, and extended federal regulations over firearms. He strengthened the FBI, called a national crime conference, supported the establishment of Alcatraz as a model prison for hardened offenders, and reorganized the internal administration of the department. In 1937 Cummings published "We can Prevent Crime" and, with Carl McFarlan, an assistant attorney general, "General Justice", a department history. "The Selected Papers of Homer Cummings (1939), edited by Carl B. Swisher, supplemented the history.

He was rankled by the conservative Supreme Court majority who kept overturning New Deal programs. After the election of 1936 Roosevelt instructed him to draft legislation for court reform. He adopted the idea proposed earlier to add a judge for every judge who refused to retire at age 70 at full pay. Roosevelt launched the proposal, prepared secretly by Cummings, on February 5, 1937. The uproar that confronted the "court- packing plan" is well known. After 168 days the Senate killed the bill by returning it to committee.

Cummings retired on January 2, 1939. He entered private law practice in Washington as well as retaining his interest in the Connecticut Democratic party, along with a residence in Greenwich and served on the Greenwich Town Committee until 1951. He died in Washington, DC. On September 10, 1956.

So what does all this have to do with me? Before I get into some observations that relate to my personal history, I want to tell this story.

Until a few years ago I really wasn't much interested in our family history. I did, however, know about Homer Cummings' opinion as Attorney General about our case, had obtained a copy from the Opinions of the Attorney General and researched the times it had been cited in subsequent cases. As a Fellow of the American Academy of Matrimonial Lawyers, I attended each year their mid-year meeting which was held in March at a resort location. In 1989 the meeting was held in Naples, Florida, and the law firm of Cummings and Lockwood had an office there. They invited the members to come to a cocktail party at their offices one evening. I knew and admired many of the lawyers from this Stamford, CT. firm and I had made absolutely no connection with the name of this firm and Homer Cummings. I arrived at the building and took the elevator up to their office floor. As I exited the elevator, before me were two huge portraits – one of Mr. Cummings and the other of Mr. Lockwood. It was only at that moment, when I looked into that man's eyes through my teary ones, that I made the connection and told him I owed my life to him, and thanked him.

Shortly thereafter I wrote to the managing partner of the firm, who I knew and who also was a Fellow of the Academy, about my connection to Mr. Cummings. I thought he would be interested, not only because he knew me, but also because it put a more human face on one of the firm's founders. I never received a reply.

The Attorney General of the United States, as head of the Department of Justice and chief law enforcement officer of the Federal Government, represents the U.S. in legal matters generally, and gives advice and opinions to the President and to the heads of executive departments of the government when so requested.

The story which ends with Homer Cummings' last opinion as Attorney General, which is Alfred's case. He is identified throughout the 16 page opinion by his initials, A.R. The last line of the opinion states " I advise that you would be warranted in granting him a visa" is gripping and suspenseful as one reads the file, which I obtained from the National Archives, which has the files of the Visa Division of the State Department. If the long tradition of American law, and the precedent it sets for cases, had been followed, the visa would not have been granted. And if the visa had not been granted, Alfred would either not have been released from prison, or more probably, he would have been released and sent to a concentration camp where he wouldn't have survived, most probably along with his family. Or, perhaps Lilli would have left the country without him, and with Ruth in tow. Fortunately these scenarios didn't occur, but they were undoubtedly considered by Lilli who, being outside prison, was aware of the options available to her.

The decision rendered by Homer Cummings on December 31, 1938, in determining that Alfred's actions did not constitute moral turpitude, changed the course of American law. On January 3, 1939 the decision was reported on the front page of the New York Times which stated that the decision "was communicated to the State Department, which will have to revise visa procedures of years' standing in this important respect".

What follows is the story, chronologically, in what was acknowledged by the State Department as an extremely difficult and complex question. However, as will be seen, the State Department felt that Alfred's actions did constitute moral turpitude, thus barring him from obtaining a visa to enter the U.S. I refer here to the State Department, because this is where the case was researched, and where the legal opinions were written. But because they felt they could not come up with a definitive answer, they determined to submit the question to the Attorney General, who heads the Justice Department. The function of the Attorney General of the United States, as head of the Department of Justice, and chief law enforcement of the Federal Government, is to represent the U.S. in legal matters generally, and give advice and opinions to the President and to the heads of executive departments of the government when so requested. In this case, the request was submitted by the State Department to the Attorney General, as head of the Justice Department for an official opinion. These opinions are then bound in volumes entitled Opinions of the Attorney General. They don't have the same precedent-setting value as a court decision, but they are often cited in subsequent cases. As an aside, my first job as a lawyer was with the Attorney General's office in Massachusetts. Elliott Richardson was the Attorney General in 1968, and I was assigned to the Civil Division. One of our main functions was to research and respond to inquiries and problems submitted by various state agencies and other branches of the government.

This story begins back in November, 1937 when Lilli and Alfred obtained visas to emigrate to the United States. They had reservations to sail in December, 1937. But in December (check date here) the visa was withdrawn, which prompted Max to begin his unbelievably committed and arduous task which resulted in Homer Cummings' opinion. Max contacted an attorney he knew, Sophie Nack, who was with the Puerto Rican Reconstruction Administration. She apparently knew Gerald D. Reilly, the Solicitor of the Department of Labor, and upon receipt of a letter from her, on January 4, 1938, Reilly wrote to John

Farr Simmons, who was Chief of the Visa Division of the State Department. Simmons responded promptly and agreed to communicate by cable with the American Consul in Berlin asking him to submit a brief cabled report on Mr. Rahn's case. He promised to send copies to Reilly and to Attorney Nack, who would be charged with the cable charges. On January 14, Reilly wrote Ms. Nack stating that he received a cablegram from the American Consul in Stuttgart indicating that Alfred Rahn, his wife and child were issued immigration visas at the Stuttgart office on November 18, 1936 and that the Consul General makes no mention that the visas were subsequently withdrawn. He goes on to say, however, that if Mr. Rahn and his family have encountered difficult in leaving Germany, neither the Department nor American Consular Office may properly intervene, since the question of their departure from Germany is one entirely between them and the competent German authorities.

On February 2, 1938 Alfred was convicted by the German court of violating paragraphs 34 and 43 of the German foreign exchange law of February 4, 1935, and of paragraph 156 of the German Criminal Code, and sentenced to 14 months in prison, the sentence ending on _____ at 2:00 p.m. I cite the provisions under he was convicted here, because they loom so important later. Violation of the foreign exchange law alone would probably not have raised the issue of moral turpitude, but conviction under the German criminal code certainly raised that issue and was the subject of extensive legal memoranda later.

On March 11, 1938 Max writes to the American Consul General in Stuttgart, Samuel D. Honaker, stating that Alfred, his wife and daughter cannot leave Germany before the spring of 1939 and asking the consul to expedite the issuance of visas to the Rahn family when they are in a position to emigrate. The Consul responded that he was unable to give definite assurance that the Rahn family will be able to qualify for immigration visas when they again make their applications, but "you are assured that prompt and sympathetic attention will be according to their applications" He suggests that prior to when they are ready to emigrate, Max provide new evidence of his willingness and ability to provide for them in the U.S. Max had previously had to provide all kinds of financial data and affidavits about his financial ability to provide for the family.

In July Mr. Reilly writes his friend Ms. Nack again, informing her that Mr. Rahn was imprisoned and that the Consul is now doubtful as to his admissibility to the U.S. because of the provisions of the Immigration Act of 1917 which exclude personas who have been convicted of crimes involving moral turpitude. He informs her that the matter of issuing visas is entirely within the hands of the State Department and he really couldn't express an official opinion. His personal opinion, however is that this would not be a crime of moral turpitude because of the German government's policy of confiscating the property of Jewish émigrés.

The letter which really got things moving, and must have been absolutely devastating to receive, was sent by H. J. L'Heureux to Lilli on August 25, 1938. Mr. L'Heureux was in the American Consulate in Stuttgart, the office with which Lilli had her numerous dealings. He acknowledges her visit, and receipt of her letters as well as the original and translations of the judgment of the court. Since this letter was such a bombshell, and since it sets out the legal issues which followed, as well as the long established principal of not looking behind the judgment for extraneous circumstances, it is quoted here:

"You were informed at that time that, in the event there appeared to be any doubt regarding the effect of your husband's conviction upon the status of his admissibility to the United States under the excluding provisions of the American Immigration laws, the case might be referred to the appropriate authorities at Washington for a ruling upon the points of law involved. If the conviction had pertained merely to a technical violation of the foreign exchange law and the offense had involved no false swearing the Consulate would have been pleased to refer the case, for appropriate instruction, to the authorities in Washington.

A careful examination of the court's judgment, however, reveals that your husband was definitely convicted of a violation of paragraph 156 of the criminal code readings as follows:
"Any person who gives evidence under oath before an appropriate authority and knowingly makes false statements, or who, with reference to such an oath, makes false statements, will be subject to a penalty of from one month to three years."

Section 3 of the American Immigration Act of February 5, 1917, provides that an alien who has been convicted of a crime or misdemeanor involving moral turpitude, shall be mandatorily excluded from the United States. The American courts have consistently held that perjury – false swearing under oath – involves moral turpitude within the meaning of the law, and consular officers have been so instructed by the appropriate authorities in Washington. Furthermore, the American courts have held that if the alien has been convicted of a crime such as indicated, and the conviction is established, it is not the duty of the administrative officer, such as a consular officer, to go behind the judgment in order to determine the purpose, motive and knowledge, as indicative of moral character.

In view of the foregoing facts, it is clear that the offense of which you husband has been convicted definitely excludes him from the United States. Hence, it is useless for the Consulate to refer the matter to the authorities at Washington. It is also probable that the Solicitor of the Department of Labor, who you stated had expressed a favorable opinion regarding the admissibility of your husband, was not aware of his conviction of false swearing. The copies of the judgment of the court are returned herewith."

Max, however, does not give up. He contacted A. M. Warren, who evidently was in the Visa Division of the State Department. The memo is also initialed by RCA, evidently another attorney in the Visa Division of the State Department. I mention this year, because of the extremely anti-Semitic memo RCA wrote at the end of this long sage, after Attorney General Cummins had rendered his opinion.
Mr. Warren, on September 15, 1938, writes an 8 page letter on Department of State stationery to Mr. Flournoy, requesting that he look over documents attached in the case of Alfred Rahn. Mr. Flournoy, as indicated by his stationary, is "The Legal Advisor" for the Department of State. He provides a history of the case as follows: "It appears that Alfred Rahn obtained an immigration visa at Stuttgart on November 18, 1937, but before he could dispose of his business and depart from German he became involved in difficulties with the German authorities in connection with the exchange restrictions. He withdraw the sum of 30,000 RM from his business and concealed it in a strong box in his home failing properly to report such cash on hand in an affidavit which he was required to submit concerning his property in order to obtain the permission of the German Government to depart from Germany." "He was convicted of a violation of the regulations concerning foreign exchange and also conviction of the commission of a crime under Paragraph 156 of the Criminal Code…"He then goes into a lengthy legal discussion of the elements necessary to prove moral turpitude. He states, quoting the provision of the German Criminal Code under which Alfred was convicted, that it did not appear to him that the provision of the German Criminal Code may be invariably (his underlining) considered crimes thereunder as crimes involving moral turpitude. The provision reads as follows:
"Any person who gives evidence under oath before an appropriate authority and knowingly makes false statements, or who, with reference to such an oath, makes false statements, will be subject to a penalty of from one month to three years".
The major distinction between being convicted under the Criminal Code and the German currency regulations is that punishment under the former results in imprisonment, while the latter results in only a monetary fine.
Warren stated that the offenses correspond somewhat to that of false swearing, as defined in Section 22 (c) of our Immigration Act of 1924. But he went on to say that they "fall short of a definition of the

crime of perjury, in that the element of the materiality, which is necessary to perjury, is not included as a specific element of the crimes." He cited a previous Opinion of the Attorney General, in 1933 when Cummins occupied that post, which held that a violation of the immigration laws is to be considered an offense involving moral turpitude if such offense involves false swearing "amounting to perjury". False swearing not amounting to perjury, the Attorney General had indicated, does not involve moral turpitude. {the distinctions here become quite fine, which shows how easily the matter could have turned out differently}Mr. Warren states that the facts in the present case of Alfred Rahn therefore seem to be that he was convicted of an office amounting to false swearing under a provision of the German Criminal Code which does not specifically contain the elements of the crime of perjury. Mr. Warren's letter then goes on discuss the two legal questions which were 1) whether the false statements made by the alien actually were material and that the German court considered them material and 2) whether the fact that the statements were not made in connection with a judicial proceedings prevents the statements from being perjury under the law. He quickly dismisses the second issue by saying that courts in the United States have repeatedly held that perjury can be committed when a statute is violated, not just during a court proceeding.

Mr. Warren then refers to Mr. Reilly's opinion, stating "I do not think we need be concerned about his views" Yet, he says that although he understands his reasons, "None of us are in sympathy with the efforts of the German Government to confiscate the property of the Jewish emigrants, but we must not be carried away in our sympathy beyond the bounds of reason. If an alien has been convicted of an offense under a foreign law, and if the elements of the crime constitute an offense involving moral turpitude according to the standard of morals in the United States, which Congress had in mind when enacting the moral turpitude clause, we must hold the alien to be inadmissible into the United States, even though he be a German Jew whose property is being confiscated by his Government."

But then Mr. Warren states that the German Penal Code in question does not completely define an offense involving moral turpitude. In short, does conviction under the German law require materiality as an essential element of the crime, or can the conviction be based on an immaterial matter? The memo states that "although the alien was not convicted on the element of materiality, it was nevertheless present. "As I see it, he was guilty of a crime involving moral turpitude, but I doubt whether we can hold that he was convicted of such a crime, in light of the Opinion of the Attorney General of October 13, 1933." {the legal hair-splitting here is incredible – it could have been so much easier simply to say that it was a crime of moral turpitude, and end it there. For this I must give them credit.} Warren then says we could withhold any decision in this case and look at German law to see whether any offense of false swearing includes materiality as an essential element of the crime, and which would therefore correspond to the crime of perjury under our laws. If they were to find that there is such a crime under German law, then they would be in a better position to hold that the alien was not convicted of an offense involving moral turpitude. In other words, he is saying that if other provisions of the Germany Criminal Law contain the requirement of materiality, that fact that this particular provision did not require materiality, must mean that it is not an essential element of the crime, and therefore, would not amount ot perjury under American law. Mr. Warren asks Mr. Flournoy for his views.

On October 24, 1938, the Legal Advisor of the Department of State (initialed only by GSK – a Mr. Knight) submitted a 23 page legal opinion, which apparently went to Mr. Flournoy and perhaps others. The question in issue is stated as follows: "Does a conviction of the offense of false swearing under German Law exclude Alfred Rahn, under Section 3 of the Immigration Law of 1917, as a person having been convicted of a crime involving moral turpitude?". Knight reviewed the facts of the case as well as the translated documents. He refers to the memo of the Visa Division, dated September 15, 1938 and

prepared by Mr. Alexander {is this the same as the Warren letter to Flournoy, dated September 15, 1938}, in which the conclusion is reached that Mr. Rahn "was guilty of a crime involving moral turpitude", but, it was added, that it was doubted whether it could be held that he had been convicted of such a crime in view of the opinion of the Attorney General of October 13, 1933.
{I cite this opinion in some detail, because the precise legal issue turns on such a narrow point – could have gone either way. Again I am astounded at how close we were to not getting out!}What follows is a lengthy legal review of crime of perjury – common law perjury, statutory perjury and false swearing which has not been designated as perjury by statute. Common law perjury traditionally was false swearing in a judicial proceeding, but has been enlarged and extended by statute to include false swearing in regard to any matter where an oath is required. He underlines a quote which reads "Some statutes eliminate both the requirement of materiality and that of a judicial proceeding, and courts construing such statutes have indicated that such is their effect." He then analyzes the 1933 Opinion of the Attorney general, previously cited, where the distinction was made between false swearing amounting to perjury, and other falsehoods such as concealment of a fact upon entering the country, using a foreign passport belonging to a friend to enter the country or evade peacetime military service. The basic difference is that the taking of a false oath is considered wrong independently of the statute, while the other offenses, though grave and properly penalized, cannot be said to possess the same inherent baseness in the concept of our people." But then Knight asks" The question arises as to whether this last statement must be qualified by the earlier statement, namely, that false swearing must amount to perjury to constitute an offense involving moral turpitude". {if this sounds confusing and convoluted – it is to me too, even with the legal background I have) Another questions raised by Knight is whether the false swearing must have been made on a material matter. Then follows 10 pages of legal discussion of how false swearing has been dealt with in insurance cases, disbarment proceedings, and cases of a general nature. He concludes by stating that "the ultimate question may be boiled down to this – are we to adopt in this and similar cases the maximum requirements of common law perjury in determining whether moral turpitude is involved or are we to adopt the minimum requirements of let us say the criminal statute of Vermont defining statutory perjury as follows: "A person of whom an oath is required by law, who willfully swears falsely in regard to any matter or thing respecting which such oath is required, shall be guilty of perjury". The main objection to adoption of the Vermont criminal statute is that it doesn't prevail in the United States as a whole.
He concludes: Under the authority of these cases, and considering that article 156 of the German Criminal Code, of which the alien was convicted, is situated within the chapter in the German Criminal Code headed "Perjury" and, furthermore, considering that the Attorney general's opinion of October 13, 1933 (supra) permits of doubt in construing the law, it is recommended that the questions raised by this memorandum be submitted to the Attorney General for an opinion."

But the submission of the matter to the Attorney General didn't immediately occur. Mr. Flournoy had some second thoughts. On November 16, 1938, having received Mr. Warren's memo, he writes a four page letter to Mr. Warren stating that when the case was first brought to his attention, he thought it would be desirable to submit the legal question involved in it to the Attorney General and that Mr. Knight's memorandum was prepared with a view to such submission. "However, after giving the matter further consideration, it appears to me that it would be useless to submit the question to the Attorney General until we obtain information as to the scope of Article 156 of the German Criminal Code, that is, whether it relates only to false statements in regard to material matters or is also applicable to false statements in regard to immaterial matters." If the Consul General ascertains and informs the State Department that the statute in question relates only to false statements concerning material matters, it is

believed that it will be necessary to hold that Alfred Rahn was guilty of an offense equivalent to the offense of perjury in the United States, which would make him subject to exclusion upon the ground that he was convicted of an offense involving moral turpitude. If, on the other hand., the Consul General informs that Department that Article 156 penalizes false statements concerning immaterial matters, as well as those concerning material matters, it may be necessary to present the question to the Attorney General for an opinion.

"As you know, the courts in this country have held that, in determining the question of whether an offense of which a persona has been convicted involves moral turpitude, it is not permissible to examine into the peculiar facts and circumstances in which the offense was committed with a view to determining whether the persona in question had an evil intent when he committed the offense. For example, in the case of a person who has been convicted of theft of food, it would not be permissible to consider evidence showing that he was in dire circumstances and in sore need of the food." {can't look behind the crime or the judgment to the circumstances}

He concludes by saying that this "whole problem is exceedingly involved and difficult. It may be presented in numerous other cases, especially cases arising in Germany in connection with the persecution of Jews. {fear of opening the flood gates}. "If we do not decide to submit the question formally to the Attorney General for an opinion, I think it would be desirable at least to discuss it with some of the legal officers in the Criminal Division of the Department of Justice. However, as indicated above, I think we should obtain more information in regard to the scope of the German law in question before going any further. He ends by stating that it seems desirable to obtain information concerning the scope and meaning of Article 156 of the German Criminal Code, and "I have drafted the attached telegram to the Consul General at Berlin accordingly"

So, on November 17, 1938 a telegram is sent to the American Consul in Berlin asking whether Article 156 of the German Criminal Code relates only to false statements concerning material matters or whether it is also applicable to false statements concerning immaterial matters. The Consul was requested to reply briefly by telegraph and fully in writing.

On November 18 Mr. Flournoy writes another 4 page memo to a Mr. Hackworth who had apparently referred Mr. Max Rahn and his attorney, Mr. Ramsey, to him. Mr. Flournoy said he met with Mr. Rahn and Mr. Ramsey yesterday (November 17) and "I discussed the case of Alfred Rahn with them at considerable length. He outlines the nature of this discussion as follows:

"Mr. Rahn's principal argument was that his brother is an honorable man with a good record and would not intentionally make false statements. In this connection he said that the affirmation made by his brighter before the German authorities, which resulted in his brother's prosecution, conviction and imprisonment upon the ground that it contained false statements concerning the amount of his property in Germany ,was in ffact prepared by a so-called "trustee", upon whom Mr. Rahn felt he could rely. It appears that in the preparation of the statement in question Mr. Rahn and his trustee used the statement concerning his property which had been prepared at the end of the year 1936, whereas certain changes had occurred subsequent to its preparation, particularly with regard to the liquidation of certain property. Mr. Max Rahn argued that the changes in question were immaterial, since the total amount of the property at the time when the examination was made was practically the same as that which was set forth in the declaration made at the end of the year 1936. He said he had obtained this information from a letter from his brother's wife. I told him that if he cared to submit that letter it would be duly considered, although I was not prepared to say whether it would affect the Department's conclusion".

"Mr. Max Rahn informed me that his brother had been imprisoned in February 1938 for a term of fourteen months, although he added that for some reason the term would normally expire, under the German law, in March 1939, that is, at the end of thirteen months from the time of the imprisonment. He also stated, however, that he had recently received a telegram from his brother's wife which he interpreted to mean that his brother would be released from imprisonment in the near future if the German authorities should receive information that he would be able to obtain an immigration visa, with which he could leave Germany and come to this country.

I told Mr. Max Rahn and his attorney that the Department was endeavoring to obtain more definite information through the Consulate General at Berlin concerning the scope and meaning of Article 156 of the German Criminal Code under which Alfred Rahn was convicted, in order that the Department might be in a position to decide whether the crime of which he was convicted was one involving moral turpitude, according to the standards recognized in the United States. I said that we hoped to obtain this information in a few days. I understand that the Department's telegram went out last night, and I assume that we will have a reply in the early part of next week.

"This case is unusually difficult, and the decision in it will furnish an important precedent. On the one hand, it hardly possible to ignore the extraordinary situation in which the Jews in Germany are now placed. The persecution which they are suffering naturally evokes sympathy, and from one point of view might be regarded as mitigation offenses which they commit with a view to circumventing to some extent the harsh measure imposed upon them by the German authorities. On the other hand, if the offense of which Mr. Rahn was convicted was clearly tantamount to perjury, it is difficult to see how the Department could property authorize the issuance to him of an immigration visa.

Upon receipt of a reply from the Consul General at Berlin this case will be given further consideration. It may be found necessary to refer the question to the Attorney Genera, although, in view of the apparent urgency it is to be hoped that this necessity will not arise."

The reply from Berlin came promptly. A telegram dated November 19, 1938 from Raymond H. Geist, American Consul, stated unequivocally that "According to legal advice both article 153 and 156 of German Criminal Code make false declarations punishable offense even if such false declarations related only to immaterial matters. A condition for punishment is, however, that premeditation or negligence exist. An error generally precludes false declarations.

Mr. Geist, the American Consul in Berlin, followed up with a 3 page memorandum on November 21, 1938 to the Secretary of State. He entitled the subject of his memorandum: False Statements Relation to Immaterial Matters Punishable under German Criminal Code.

Mr. Geist indicated he received his legal information from the Berlin law office of Mr. Frederick Wirth, Jr. He indicated that certain commentators make no distinction between material and immaterial matters. However, he concluded that "it is understood that personas are rarely prosecuted for the misdemeanor defined in Article 156 of the Criminal Code when the false statements made relate only to immaterial matters."

On November 23, 1938 Mr. Flournoy writes what appears to he a memo to his file. It is written on his Department of State, The Legal Advisor stationery, but isn't addressed to anyone. It is simply entitled Visa Application of Alfred Rahn.

Mr. Flournoy states that he discussed the case with Mr. B.W, Butler of the Department of Justice with reference to the telegram received from the Consul General in Berlin, that is, that false declarations are

punishable under Article 156 of the German Criminal Code regardless of whether they related to material matters.

"I told Mr. Butler that we had been uncertain whether, in view of the information just mentioned, we should hold that Mr. Rahn had been convicted of an offense involving moral turpitude within the meaning of Section 3 of the Immigration Act of February 5, 1917. I mentioned the theory which has been advanced to the effect that, since false statements in formal declaration made before officials are punishable under Article 156 of the German Criminal Code, even though such statements related to immaterial matters, it is impossible to hold that convictions under this statutory provision are offenses involving moral turpitude. However, I also mentioned the fact that the opinion of the German judge explaining the judgment of the District Court at Fuerth, Bavaria, February 2, 1938, in which Alfed Rahn was convicted under Article 156 of the German Criminal Code, discussed at considerable length the false statement made by Mr. Rahn and showed that its object was to deceive the German officials and make it possible for him to take German marks out of the country surreptitiously, in violation of German law. I observed that it was thus entirely clear that the false statement in this case was not immaterial.

Mr. Butler expressed the view that it would be impossible to hold that the offense of which Mr. Rahn was convicted was not one involving moral turpitude. He observed that the offense of which he was convicted involved the element of fraud, which fact seems to necessitate holding that it was an offense involving moral turpitude. I remarked that the decision made in this case would be one of considerable importance, because of the likelihood that it would furnish a precedent for other similar cases. I said that we contemplated submitting the question formally in writing, and Mr. Butler said if we should do so it would receive careful attention.

{This is the first time the case has been communicated to the Justice Department. Mr. Butler's views were unequivocal that it was moral turpitude. Mr. Flournoy could have stopped then and just let the matter drop. He was personally disturbed by this case, calling it "unusually difficult" and later calls it "this is one of the most difficult cases I have ever had to deal with.". He undoubtedly gained great sympathy for the matter by having met personally with Max. He, fortunately, wasn't dissuaded by Mr. Butler's opinion}

Mr. Flournoy knew what he had to do, and therefore prepared, or had his department prepare, a 25 page legal memorandum for submission to the Attorney General. The result was this lengthy legal memorandum prepared by the Legal Department of the State Department on November 25, 1938.

My copy has no letterhead and is not signed by anyone, but by initials it went to Knight and Flournoy and a couple of others. The question addressed by the memo was stated as follows: Does the offense of knowingly making a false affirmation before an official, which is punishable under Article 156 of the German Criminal Code, involve moral turpitude within the meaning of the provision of Section 3 of the Immigration Act of February 5, 1917, when the record of the conviction shows that the false statement related to a material matter?" {interesting to note here – it is true that the conviction by the very anti-Semitic judge, indicated it was a material matter, but the memo which they had by now received from the Consul General in Berlin indicated that convictions under Article 156 could be for material and immaterial matters}

The memorandum presented the legal arguments, with numerous case citations, on both sides of the issue. It concludes, however, with the following paragraph:

"While, for the reasons indicated above, it is believed that the weight of opinion supports the view that the offense of which Mr. Rahn was convicted involved moral turpitude within the meaning of Section 2

of the Immigration Act of February 5, 1917, there are arguments on the other side of the question which merit consideration. It therefore seems desirable to obtain an opinion of the Attorney General in the matter.

On November 30, 1938 Mr. Flournoy sent a memo to Mr. Warren, which, because of the personal tone of the memo I reproduce here:
"As I have said before, I am convinced that the only satisfactory way to settle this case lies in the submission to the Attorney General of the legal question involved. This is one of the most difficult cases I have ever had to deal with. One the one hand, any person with natural human feelings must sympathize with Mr. Max Rahn, who has been visiting my office daily for some time., in his efforts to assist his brother Alfred Rahn in coming to this country from Germany. His brother was imprisoned in Germany February 2, 1938, because of conviction of making a false statement concerning his assets. The term of imprisonment was 14 months, but Mr. Max Rahn has received messages which convince him that his brother will be released from prison if he can obtain a visa for entrance into this country. On the other hand, it appears to me that the offense of which Alfred Rahn was convicted must be regarded, in view of the various decisions of our courts in cases somewhat similar, as one involving moral turpitude, so that he is subject to the exclusion under the provision of Section 3 of the Immigration Act of 1917.
In the attached memorandum to accompany the letter to the Attorney General ,I have endeavored to set forth the arguments on both sides of this question, although the arguments against the contentions made by Mr. Max Rahn in behalf of his brother seem greatly to outweigh those in support of it.
The strongest practical argument in behalf of Alfred Rahn lies in the fact that his false declaration was made under the stress of the persecution of Jews in Germany. However, I do not believe that this furnishes a legal argument in his behalf.

And so, on December 2, 1938, a letter is sent to "The Honorable Homer S. Cummings, Attorney General, from the State Department by Mr. Flournoy, as follows:
My dear Mr. Attorney General:
This Department desires to have the benefit of your opinion upon the following question:
Does the offense of knowingly making a false statement in an affirmation before an official, which is punishable under Article 156 of the German Criminal Code, involve moral turpitude, within the meaning of the provision of section 3 of the Immigration Act of February 5, 1917, when the record of the conviction shows that the false statement related to a material matter?
This problem has arisen in the case of one Alfred Rahn, a German citizen of the Jewish race, who made a false statement in a declaration concerning his property required by German law, who desires to obtain an immigration visa for use in coming to this country to reside, but who was convicted, under the statutory provision in question, by a court at Fuerth, Bavaria, February 2, 1938. An English translation of the judgment of the court is enclosed.
The problem presented in this case is regarded as one of considerable importance, especially in view of the precedent which it may furnish. In the enclosed memorandum an effort has been made to present arguments on both sides of the question. Sincerely yours, Acting Secretary.

Max had, during this time, retained the legal services of William H. Ramsey, a Washington, DC attorney. On December 5, 1938 Attorney Ramsey submitted his 8 page legal memorandum to the Secretary of State on behalf of Alfred's application for a visa. Ramsey prefaces his memorandum as follows: As attorney for the applicant, I have the honor to present the following suggestions for such assistance as they may be to the Department of State in determining whether the visa shall be issued."

After reciting the basic facts and the law involved, he focuses briefly on the issue of moral turpitude, but the bulk of his memo focuses on the provision of the 1917 Immigration Law which sets for an exception, i.e. "Provided, that nothing in this act shall exclude, if otherwise admissible, persons convicted, or who admit the commission, or who teach or advocate the commission, of an offense purely political".

Attorney Ramsey focused on this exception, and argued that this case should be treated as a political offense. He argued that the term "political offense" isn't limited to affirmative acts or to deeds of violence, but may be committed by mere omissions or neglect. With the proper political environment, an offense committed in any of those ways becomes a "political offense. Because the approach he uses is echoed in Cummings' opinion, and because he creates an unusual argument, I will spell out most of his memorandum here. He then stresses and outlines the political environment as follows: "For some years past, beginning with the rise of Adolph Hitler to power, the Government of Germany has been undergoing sweeping fundamental changes, resulting in the establishment of a dictatorship and the destruction of democracy in the Republic. One of the fixed and apparently fundamental policies of the new regime has been to reduce to a state of poverty resembling serfdom the great number of Jews heretofore living peacefully and prosperously in Germany, and they have been assailed as Jews (his emphasis) and not as individuals. The gradual unfolding of this policy from week to week has resulted in excesses and brutality which have shocked the conscience of the whole civilized world. As the diabolical wickedness of this campaign of destruction increases from week to week, one wonders when and what the end will be.

As the march of conquest has gathered into the Reich first Austria and then a portion of Czechoslovakia, this hatred, humiliation, and subjugation of the Jews has spread coextensively with the Nazi supremacy. If the Jews had banded together to resist these oppressions and overthrow the power of the present regime, and if this applicant had been a participant in such movement, any offense committed by him therein could properly have been classified as a "political" offense. But such is not the custom of the Jews. {this transitional sentence says a good deal about Ramsey, but also provides a forceful way to argue his point} When the herdmen of Gerar strove with the herdmen of Isaac about the wells they had digged, Isaac twice removed to other places and dug other wells. Gen. 26:20-22. In the days of Queen Esther, they did indeed fight, but only as a last resort to save their lives. {I find these references to the Bible wonderful, maybe even a bit humorous, and certainly most unusual, in my experience, in a legal memorandum. Ramsey must have been a religious man – he knew his Bible – surely he didn't get these references from Max. In any case, I find this most interesting} He continues: Their custom has been, not to rise up in revolution or insurrection, but to suffer in silence or to resort to flight. The offenses of which this applicant stands convicted were committed, if at all, in an effort to flee the despotic control of the Nazi regime {brilliant and creative reasoning to make his point}

The outstanding feature of this persecution of the Jews is the very obvious purpose of the German government to restrain the flight of capital. As I understand, it is not difficult for a Jew to get a passport to leave Germany; but to remove therefrom and take his property with him is a wholly different matter. This, it would seem, is the purpose of the foreign exchange law, the law this applicant is convicted of violating – that is, that in taking his property out, a very generous slice, if not the lion's share, shall be left in the permanent possession of the Reich. See the following from an Associated Press article dated Berlin Nov. 24:{and here he quotes from the newspaper article. This theme was key to Cumming's decision}

"Driven from social life in Germany and ordered to get out of industry, Jews yesterday suffered a further blow in an assessment of one-fifth of their fortunes above $2,000.

"The money must be paid by August 15, 1939. For the some 60,000 Jews in concentration camps there was almost insurmountable difficulty in trying to arrange for the payments.
"Few Jews have sufficient cash on hand to pay the fine, and their source of income is being curtailed rapidly by the taking over of Jewish stores by non-Jewish owners
"Nazis said today that the process of Aryanizing business at present was confined to the retail field, that it was proceeding 'exceptionally fast' and that the wholesale and export and shipping firms would be next.
"The propaganda campaign continued, with the Deutsche Bergwerks-Zeitung, important industrial publication of Duesseldorf, editorializing that the anti-Semitic drive was justified because of the wealth of the Jews."

{This tremendous emphasis on the current situation, quoting from the newspaper and thereby creating a vivid picture of the entire context}

He continues: The affidavit in this case, alleged to be false, was incidental to the enforcement of the foreign exchange law.

He concludes, in summary, by stating "So, where a nation begins an unendurable persecution of a distinct class, not of a few individuals here and there but of a whole people, I respectfully submit that any unlawful act done by one or a group of those people in resistance of the one main purpose of the persecution should be considered and treated as a "political offense". If a shooting which occurred in New York City in a fight between Fascists and anti-Fascists is properly designed as a political offense (case is cited), then a fortiori, should the same term be applied to an effort to defeat pro tanto this colossal oppression of half a million Jews as such by the official action of the German Government.

And then he makes his point: If these were political offenses, it is immaterial whether they involved moral turpitude. {Here he artfully skirts the issue of whether it's moral turpitude or not, feeling perhaps that focusing on that issue would be a losing matter}. He then goes into a brief history of the immigration law, pointing out that an earlier version had read: Provided, that nothing in this Act shall exclude, if otherwise admissible, persons convicted of an offense purely political, not involving moral turpitude". The last phrase of four words was deleted from the existing law.

His Conclusion states: "This applicant, in committing, if he did, these alleged violations of the German foreign exchange law, and in making the alleged false affidavit, incidental to the other alleged offenses, was guilty of committing offenses "purely political". The visa should be granted.
Respectfully submitted, William H. Ramsey, Attorney for Petitioner.
Copy to the Attorney General

Ramsey focuses his entire memo around the violation of the German foreign exchange law rather than the Criminal Code, which had been the focus of the American Consul in Stuttgart and State Department memos

There is a memo from Mr. Flournoy stating that the legal problem involved in the case of Alfred Rahn was submitted to the Attorney General last week. " Before its submission I informed Mr. Rahn and his attorney, Mr. William H. Ramsey, that if the latter should submit to this Department a written argument in behalf of Mr. Rahn, I would see that a copy of it was sent to the Attorney General, for his

consideration in connection with the memorandum submitted with this Department's letter. However, Mr. Ramsey, when he handed the attached letter to me yesterday, said that he had presented a copy of it to the Department of Justice. I therefore told him that it did not seem necessary for this Department to forward another copy to that Department".

{Interesting to note how much of this communication was done by hand – speed was of the essence. They also must have known that Cummings would retire at the end of the year. }

On December 8, 1938 Mr. Ramsey receives written confirmation from the Acting Secretary of State, acknowledging his letter of December 5, and reiterating that since he told the State Department he had presented his letter to the Department of Justice, there was no necessity of the State Department to forward another copy.

On December 19 the Acting Secretary of State, who "presents his compliments to the Honorable the Attorney General" enclosed the dispatch dated November 21, 1938 from the American Consulate General in Berlin, which may be of some value in the consideration of this case.

December 31, 1938 – A 16 page opinion is sent to the Secretary of State form the Office of the Attorney General. The opinion refers to Alfred Rahn by his initials, A.R. The Attorney General acknowledges the letter from the Secretary of State, dated December 2, 1938, requesting his opinion. He recites the basic facts, and the law in question, i.e. both the American immigration law and the German Law on Control of Foreign Exchange of February 4, 1935 as well as the German Criminal Code. At the risk of being redundant here, I'll deal expansively with Cummings' opinion.

"It appears from the translation of the judgment furnished by the Acting Secretary that the alien was sentenced by the court to one year and two months' imprisonment (with credit for three weeks of detention) for conviction of "continued transgression of the foreign exchange law according to paragraphs 34, 43, No. 5 of the foreign exchange law in connection with the simultaneous misdemeanor of rending a false affidavit" under paragraph 156 of the Criminal Code. It further appeases from such translation that the alien, shown by the judgment to be of Jewish extraction, was engaged with his mother in the wholesale ironware business; that on December 31, 1936, their interests in the business as shown by the balance sheet were respectively 38, 217,17 and 105,061,58 Reichsmarks; that since May or June, 1937, he had the intention of emigrating from Germany and withdraw a total of 30,000 R.M. from the business, which he kept in case, first at his place of business, later in his residence; that in October, 1937, in order to obtain the necessary certificate of emigration, he filled out two separate questionnaires give him by the foreign exchange office, one for himself and one for his mother, in each of which he put down as the amount of cash on hand the statement "about R.M. 1500"; that certain property standing in his mother's name, for which sale negotiations were pending; was entered on his mother's affidavit at the "last unitary value"; that he delivered his list to the authorities, together with an affidavit as to the complete and true statement of the various amounts of property possessed of by himself, his wife and minor children; that the declaration of his mother was also delivered to the foreign exchange office with an affidavit signed by her; that the alien's mother was "irrefutably lacking every vestige of survey of the financial and business situation" and that the "the accused alone is responsible for the contents of [her] declaration of fortune.

The Opinion then quotes from the court decision, quoting the observation of the court that "In meting out the measure of punishment there had to be considered at the expense of the accused the considerable public interest prevailing regards truthful informations especially in the case of Jewish emigrants, since it

must be avoided that non-registered capital is taken abroad and working there in Jewish hands against the German political economy and the German nation". {I find it interesting that Cummings chose to quote this dicta – the explanation for the court's judgment, which isn't based on law but on the atmosphere of the time}

The Opinion then continues to state that, although the questions does not seem to have been presented to the Supreme Court," opinions of inferior Federal Courts and the Attorney Genera in the divers eases submitted to them for decision have held for many years that the record of a foreign court showing conviction is to be taken as conclusive evidence of conviction of the crime disclosed by it, and that neither eourts nor immigration offieers may go outside such record to determine facts or whether in the particular instance the alien's eonduct was immoral."

{This is the long-standing rule of American law, which recognizes the validity of foreign judgments and provides no authority or justifieation for going behind such judgment}

The Opinion continues by stating that the "question whether the crime involved moral turpitude, however, is to be determined according to its inherent nature and the standards prevailing in the United States generally -- not by those of the foreign eountry in whieh the crime was committed and the eonviction oeeurred." After eiting relevant cases, the Opinion takes its first significant turn. "It should he noted", states Cummings, "however, that such of the opinions by which reference has heen made above was rendered on the particular facts and circumstances presented, and that there was involved no question of conditions other than normal obtaining the foreign country where the crime was committed and the conviction had." {Here he seems to set the foundation for what follows}

After stating that moral turpitude is a vague term, he recites a number of cases, and then repeats the point by saying "I think it as clear that in determining whether or not moral turpitude necessarily is involved it is proper to look to any conditions other than normal obtaining in a foreign jurisdiction at the time of the commission of the crime and conviction by a foreign tribunal." Thereafter follows several pages of the Opinion in which cases involving moral turpitude are discussed in the traditional manner, as well as reference to the distinction between material and immaterial matters of the German Criminal Code. The argument that the declaration of the alien was done under the adviee of an economic trustee has no merit.

But then, beginning on page 12 of the Opinion, Cummings states that "It has been urged on behalf of the alien, however, that the offense of which he was eonvicted was political. {Since Attorney Ramsey's memo was the only legal brief or document stressing this point, it obviously carried enormous weight} "The statute excludes from its provision an alien convicted of an "offense purely political" and extradition treaties, with few exceptions, contain a provision exempting in mandatory or permissive form political offenses from their operation. The term, however, is not defined in the Immigration Act, nor, apparently, in any of the treaties to which the United States is a party. It is generally agreed that no satisfactory and acceptable definition of the term has yet been found" {2 pages of numerous cites of cases and treatises follow – again he is setting the stage for the basis of his decision}

Beginning on page 14, then comes the meat of the opinion, which I quote here:

'Counsel for the alien suggests that the term "political offense" should apply "to any offense incidental to the resistance of, or flight from, great persecutions or oppressions by nations or ruling majorities against large racial religious, or political minorities.
While ordinarily it may not be proper to consider the motive or purpose of the offender in determine whether a crime of which he was convicted involves moral turpitude, I agree with your Legal Adviser that when the question is present whether the offense was political it becomes necessary to take motive into account.

{This was the fourth point Flournoy made in his lengthy brief to the Attorney General. He stated, "however, that it couldn't be considered political when the offense appears to have been deliberately committed for his own private gain. He said, remember, that "In determining whether the crime is an "offense purely political" it seems necessary to take into account the motive of the person in question in committing the offense. If the motive relates solely to the advancement of a political measure, it would seem that the offense may be regarded as purely political, but this does not seem to be the case if the motive is personal gain." {In other words, let's dismiss this "political offense" argument right away}. Cummings picks one sentence out of the Legal Adviser's brief, and runs with it.

"It may be assumed, that, in ordinary circumstances, under the principles enunciated in the cases heretofore cited – most of which, it should be observed, presented instances of conditions not by foreign courts but by courts of this country – willful false swearing would involve moral turpitude. However, in view of the claim made in this case that the crime was political in nature or had political aspects, the question whether in its essence it is one debarring the alien from entry is a question which, if presented to a court in the United States, would, in my opinion, require consideration in the light of the present-day situation in Germany. I do not think that the case should be divorced from the realities of the world or that opinions rendered heretofore in this country dealing with the moral qualities of crimes of which personas had been convicted by foreign tribunals in tranquil times should be followed in the letter to conclusions antagonistic to the spirit of our immigration law and foreign to the intent of the Congress in passing it.
There are in the United States no statutes comparable to the economic decrees of the Reich. It is well known indeed that the concepts of law presently existing in Germany are alien to those which prevail in this country (cite). It should be noted that the German court states in its judgment convicting the alien here involved that "the accused had ***the intention of emigrating from Germany since, being a Jew, he saw his commercial progress in Germany obstructed". It is common knowledge that decrees and orders have been issued in and are enforced by the German Reich designed to eliminate Jews from all phases of German life, and indeed from that country; and that judged by our standards, as well as by those of many other nations, the members of the Jewish race in Germany are under the severest kind of persecution. The State Department had occasion to observe during December, 1938, that the recent policy pursued in Germany shocked and confounded public opinion in the United States more profoundly that anything that had taken place in many decades, and that references here in public utterances to this state of public indignations represented the feeling of the overwhelming majority of the people of the United States.

Under such conditions the terror and desperation extant among hundreds of thousands of Jews not living in Germany cannot be other than acute. It was apparently under such conditions and in connection with the enforcement of the decrees which brought them about that conviction was had of the crime here charged; I cannot bring myself to believe that in determining any moral or political attributes of that crime the courts of this country would close their eyes to those factors.

Indeed, it would appear that the acts here under consideration were performed under a compulsion as great as it was unjust. The alternatives open to the alien were to remain in Germany and be reduced to a state of penury and serfdom or to seek another life in another land. In selecting the latter alternative, he was confronted with the necessity of going forth with his dependent family stripped of all his possession or seeking to retain what was rightfully his own, in avoidance of a statute and a procedure which cannot be defended on the basis of morals or justice. It was a form of duress which in good conscience we would not be justified in ignoring.

I do not believe that the term "moral turpitude", as it is generally understood, can properly be ascribed to the conduct of this alien. I advise that you would be warranted in granting him a visa.

Respectfully,

/s/ Homer Cummings
Attorney General

On the same date, December 31, 1938, Cummings writes to The Honorable, the Secretary of State, asking whether he had any objection to the publication of, in accordance with the relevant statute, his opinion dated December 31, 1938 concerning the eligibility of a German alien for a visa. Sumner Welles, Acting Secretary, replied, acknowledging the receipt of the opinion concerning the admissibility of one Alfred Rahn into the United States, and says that the Department interposes no objection whatever to the publication of the Opinion. This letter, interestingly, went to The Honorable Frank Murphy, Attorney General since Cummings' last day in office was December 31.

Article in the New York Times, reads as follows:
Headline was "Refugees aided by Last Cummings Opinion; Hiding of Funds was Held Not a Bar to Visa
Washington, Jan. 3.
The last official opinion rendered by Homer S. Cummings as Attorney General, it was learned today, was in behalf of German refugees, and place a new construction on consular procedure in the granting of visas for the United States.
The case arose when a man, of whom it is known only that has the initials "A.R." stated in an application for a visa more than two years ago that he possessed only 1,500 Reich marks. Investigation showed he had neared 20,000, far more than the limit an individual was permitted to take from Germany. The man was convicted and sentenced to two years in prison.
When he had served his term he again applied for a visa but, according to information obtainable here today, it was refused by American consular officials on the ground that he had been guilty of an offense constituting moral turpitude. Under the statute moral turpitude is a bar to the granting of a visa.
Mr. Cummings, in his opinion, which was rendered as his last formal official act, on the last day of the year, took a different view. He ruled, it was said, that the refugee had been guilty of false report, but under the circumstances, this was not moral turpitude and that ground for withholding a visa did not exists.
This was communicated to the State Department, which will have to revise visa procedure of years' standing in this important respect. The department must instruct that the visa should be granted the man unless it can find other reasons for withholding it.

No details of the opinion were forthcoming from the Department of Justice. The State Department would make no comment on the grounds that by law visa information is confidential."

The next document in the file is a telephone message sheet of the Department of State, Visa Division. It shows that on January 4, 1939, the attorney with initials RCA received a personal call from Mr. William Ramsey, regarding the alien Alfred Rahn. Action requested: Cable Stuttgart regarding ruling of the Attorney General. Charge telegram to: Mr. Max Rahn, General Cigar Company, Caguas, Puerto Rico Remarks: No letter necessary. Max Rahn knows about the Opinion of the Atty. Gen. He called Mr. Ramsey on the telephone from New York and stated that he had read the report of the Opinion in the New York Times.

A note on this message sheet indicates that a cable was sent to Stuttgart on 1/6/39 by RCA.

{I can only imagine what Max must have felt when he received this news through the article in the New York Times. After all he went through, all he did, and particularly toward the end when he too was very discouraged and felt there was no hope or chance, to hear this news – makes me cry}

The next 3 page document is most interesting and revealing. It is on the letterhead of Department of State, Visa Division, dated January 8, 1939 and is entitled Memorandum for the Files. It's written by RCA.
I will copy it in its entirety here.

MEMORANDUM FOR THE FILES;
The attached Opinion of the Attorney General goes pretty far in exempting German Jews from the moral turpitude clause of our immigration law on account of their conviction under the Hitler regime of crimes which might ordinarily be regarding as excluding them from the United States. I believe there is likely to be some unfavorable repercussion in Congress and on the part of public opinion throughout the country as a result of this Opinion.
In the first place the provisions of the German Criminal Code, under which the alien in this case was convicted, were created long before Hitler, and they apply equally to Jews and non-Jews. Furthermore, the German Law for the Control of Foreign Exchange, although promulgated under Hitler, is equally applicable to Jews and non-Jews. These are not law or decrees enacted for the sole purpose of oppressing the Jews. They apply to all Germanys. Our own law prohibiting the concealment of assets in bankruptcy and the exportation of gold apply to all citizens alike. They are economic law designed to prevent the perpetration of frauds upon creditors and to protect the nation from the drain of its resources in the form of money or capital.
The principle adopted in this Opinion, if followed in other cases – as it must be followed until overruled or until Congress changes the law – will result in setting up the Jews as an exalted people who, because of their oppression, may commit serious crimes which would exclude other aliens from the United States, but which will not operate to exclude the Jews under our laws.
I have every sympathy in the world for the Jew s in Germany and in other countries, but I do not believe that Opinions such as this are likely to result in any appreciable improvement in their conditions either in this country or abroad. On the contrary, I am of the opinion that any special consideration shown to the Jews under the immigration laws is likely to engender a feeling of deep resentment among our people against all Jewish immigrants, a result which should be avoided it at all possible. One of the things most incompatible with the true freedom and abhorrent to every lover of a democratic form of government, is

a special privileged class which is above the law and which may commit crimes with impunity. If the doctrine of force majeure is extended to Jewish criminals they will bring all the pogroms of Europe with them to the United States.

This attorney, RCA, had been involved in the previous briefs which Flournoy had written – again, lucky and fortunate for us he wasn't the one in charge. He never would have sent the matter to the Attorney General. It shows the rampant anti-Semitism in the State Department, which was, certainly later, so well known.

The final document has numerous stamps all over it. Its on a form entitled "Telegram Sent" on Department of State letterhead. It is charged to Mr. Max Rahn ($13.96). The telegram was sent to the American Consul in Stuttgart, Germany. The typing has a lot of marks on it, and there's a stamp stating "This cable was sent in confidential Code. It should be carefully paraphrased before being communicated to anyone". It was sent by RCA, and a couple of others whose initials appear thereon.

Your January 11, 1938, 4 p.m. {not quite sure of reference here – Stuttgart had written the Secretary of State on January 11, 1938 informing the Department that Alfred Rahn, wife and child issued immigration visas Stuttgart November 18, 1937. Protocol must have required that this telegram be deemed a reply.}

Attorney General has held that the offenses of which Alfred Rahn was convicted on February 2, 1938 before the Court of Assizes in the District Court, Fuerth, Bavaria, under Article 156 of the Germany Criminal Code, and under the German Law on the Control of Foreign Exchange of February 4, 1935, are not offenses involving moral turpitude. It is expected that Alfred Rahn will apply for another immigration visa upon his release from imprisonment.

The final document of the materials I received from the National Archives is simply a list of charges involved in this case – primarily telegrams to Stuttgart.

National Archives and Records Administration

8601 Adelphi Road
College Park, Maryland 20740-6001

March 21, 2002

Mrs. Ruth R. Budd
24 Percy Road
Lexington, MA 02421-5648

Dear Mrs. Budd:

This is in response to your March 4, 2002 letter, regarding your request for information surrounding the last opinion of former Attorney General Homer Cummings. A search was conducted among the records of the Department of State, specifically the "Central Decimal File, Name Index," 1910-44 for the years 1930-39 and we located an indices card for your father Alfred Rahn, on a visa case dated January 4, 1938, file designation 811.111, but unfortunately visa case files are located in our downtown Washington D.C. offices. I am referring a copy of this letter to that office, and you should here from them after they have had an opportunity to search for the visa case file of Alfred Rahn. We also searched among the general records of the Department of Justice, specifically the "General Index" 1928-51 and the "Subject Index to Various Central Classified Files," 1918-1981 under the subjects moral turpitude, immigration laws and opinions, but in all of the afore-named instances, no information was found relating to the thoughts of the former attorney general relative to your father's case. Finally we checked "Record Slips," 1910-67 for the year 1938 and the correspondence of the attorney general that covers from 1-5-38 to 12-29-38 but again found no information relative to your inquiry.

Sincerely,

Fred Romanske

FRED ROMANSKI
Archivist, Civilian Records
Textual Archives Services Division

DFR

DEPARTMENT OF LABOR

OFFICE OF THE SOLICITOR

WASHINGTON

January 4, 1938

JANUARY 7 1938
VISA DIVISION
JAN 6 1938
DEPT. OF STATE

File
Ans & Cable to Berlin
Cable to Berlin
1-7-38
EA

JAN 10

811.111 RAHN, ALFRED

John Farr Simmons, Esq.
Chief of the Visa Division
State Department
Washington, D. C.

Dear Jack:

Miss Sophie Nack, an attorney with the Puerto Rican Reconstruction Administration, has inquired about the status of the visa application of Alfred Rahn, Koenigstrasse 129, Fuerth (Bayern).

According to the information which she gave me the visa was granted by the Consulate General at Berlin but for some reason which his friends do not understand it was apparently withdrawn upon the request of the German Government.

If you would be good enough to inquire about the matter Miss Nack will pay any cable expenses incurred. She is staying at the present at the Passavant Hospital, Chicago, Illinois. You may perhaps remember her for she was the private secretary to Mr. Harry F. Payer when he was Assistant Secretary of State.

Sincerely yours,

Gerard D. Reilly

GERARD D. REILLY
Solicitor of Labor

IM/R

January 7, 1938

In reply refer to
VD 811.111 Rahn, Alfred

811.111 RAHN, ALFRED

Dear Jerry:

I have your letter of January 4, 1938 concerning Miss Sophie Nack's interest in the case of Alfred Rahn of Fuerth, Germany, who wishes to immigrate into the United States.

I have been glad to communicate by cable with the American Consul General at Berlin, asking him to submit a brief cabled report on Mr. Rahn's case. Upon hearing from the Consul General I shall communicate directly with Miss Nack, who I understand is staying at the present time at the Passavant Hospital, Chicago, Illinois, and I shall forward to you a copy of my letter to her. The cable charges in the matter are being charged to Miss Nack.

Sincerely yours,

John Farr Simmons
Chief, Visa Division

INM/R

Mr. Gerard D. Reilly,
Solicitor, Department of Labor,
Washington, D.C.

July 7?

VD:EH-VT:

1/7

1—138
PREPARING OFFICE
WILL INDICATE WHETHER
Collect
Charge Department
OR
Charge to
$1.62

TELEGRAM SENT

1—138

TO BE TRANSMITTED
CONFIDENTIAL CODE
NONCONFIDENTIAL CODE
PARTAIR
PLAIN

FILE, BUR. OF ACCTS

Department of State

DEPARTMENT OF STATE

Washington,

Miss Sophie Nack,
Passavant Hospital,
Chicago, Illinois.

1938 JAN 7 PM 4 32

January 7, 1938.

5 P.M.

DIVISION OF
COMMUNICATIONS
AND RECORDS

To be sent in Visa Code

AMERICAN CONSUL

BERLIN (Germany)

Cable concise report regarding difficulty allegedly being encountered by following alien in obtaining visa at your office: Alfred Rahn, address Koenigstrasse 129, Fuerth. STCOR.

Hull
(HH)

811.111 RAHN, ALFRED

811.111 Rahn, Alfred

BILLED

JAN 24 1938

BUREAU OF ACCOUNTS

CR

JAN 7 1938. PM

VD:EH-VTS:SS.

Enciphered by _____

Sent by operator _____ *M.*, _____, *19*_____, _____

D. C. R.—No. 50.

1—138 U. S. GOVERNMENT PRINTING OFF E: 1934

8M/M

TELEGRAM RECEIVED

EG

1—1336

PLAIN

FROM

Stuttgart

Dated January 11, 1938

Rec'd 12:20 p.m.

Secretary of State,

Washington.

January 14 1938

January 11, 4 p.m.

Referring Department's January 7, 5 p.m., to American Consul, Berlin, Alfred Rahn, wife and child issued immigration visas Stuttgart November 18, 1937.

6.95

HONAKER

KLP

FILE, BUR. OF ACCTS

File
to Miss Noack
to Mr. Keeley
1-12-38

811.111 RAHN, ALFRED

W/M

BILLED

JAN 24 1938

BUREAU OF ACCOUNTS

BEST COPY AVAILABLE

DEPARTMENT OF LABOR
OFFICE OF THE SOLICITOR
WASHINGTON

File No.
VD 811.111 Rahn, Alfred

January 12, 1938

DEPARTMENT OF STATE
RECEIVED
JAN 1
DIVISION OF
COMMUNICATIONS AND RECORDS

File Ans. 1/18/38 ESC

John Farr Simmons, Esq.
Chief of the Visa Division
State Department
Washington, D. C.

Dear Jack:

Miss Sophie Nack has inquired whether you have had any reply to the cable which you were good enough to send with respect to the above-entitled matter.

She says that she is not positive that the visa was withdrawn but they have information that for some reason or other he has been detained by official action, either on the part of this Government or the German Government and that his family is tremendously disturbed.

Sincerely yours,

Gerard D. Reilly

GERARD D. REILLY
Solicitor of Labor

811.111 RAHN, ALFRED
M/M

BA

January 14 1938

In reply refer to
VD 811.111 Rahn, Alfred

Dear Jerry:

I refer to my letter of January 7, 1938 regarding the case of Alfred Rahn of Fuerth, Germany, in which Miss Sophie Nack is interested, and enclose a copy of a letter which I have sent to Miss Nack embodying the substance of a cabled report received in the matter from the American Consul General at Stuttgart.

Sincerely yours,

John Farr Simmons
Chief, Visa Division

Enclosure:
To Miss Nack.

A true copy of the signed original

Mr. Gerard D. Reilly,
Solicitor, Department of Labor,
Washington, D. C.

JAN 14 1938.

VD:EH:EGS:SS
1/12

811.111 RAHN, ALFRED
IM/R

Property of DOS

In reply refer to
VD 811.111 Rahn, Alfred

My dear Miss Nack:

Mr. Gerard D. Reilly, Solicitor of the Department of Labor, recently communicated with me stating that you were interested in the visa application of Alfred Rahn of Fuerth, Germany, and that you wished the Department to cable the appropriate consular officer abroad, asking for a cabled report on the case.

A cablegram has now been received from the American Consul General at Stuttgart, in response to the Department's cabled inquiry, stating that Alfred Rahn, his wife and child were issued immigration visas at the Stuttgart office on November 18, 1937. The Consul General makes no mention that the visas were subsequently withdrawn from the intending immigrants.

If Mr. Rahn and his family have encountered difficulty in leaving Germany, neither the Department nor an

American

Miss Sophie Nack,
Passavant Hospital,
Chicago, Illinois.

811.111 RAHN, ALFRED

JMR

American Consular Officer may properly intervene, since the question of their departure from Germany is one entirely between them and the competent German authorities.

A statement covering the cable charges incurred in connection with the case will be sent to you at a later date.

Sincerely yours,

John Farr Simmons
Chief, Visa Division

JAN 14 1938

VD:EH:EGS:SS
1/12,13

A true copy of the signed original

JAN 18 1938

In reply refer to
VD 811.111 Rahn, Alfred

Dear Jerry:

I refer to your letter of January 12, 1938 concerning the visa case of Alfred Rahn in which Miss Sophie Nack is interested. You have no doubt received my letter of January 14 stating that the Consul General at Stuttgart, Germany, has reported by telegraph that immigration visas were issued on November 18, 1937 to Mr. Rahn and to his wife and child. As no mention has been made of any withdrawal of the visas, which would be most unusual, it is likely that any difficulty being encountered by Mr. Rahn and his family in leaving Germany has been due to some question which has arisen between them and the German authorities or possibly to a difficulty in obtaining transportation.

Sincerely yours,

A true copy of the signed original.

John Farr Simmons
Chief, Visa Division

Mr. Gerard D. Reilly,

Solicitor, Department of Labor,

Washington, D. C.

VD:EBC:EJF:SS
1-17-38.

00

811.111 RAHN, ALFRED

JM/J

Str.Pr.Reg.Nr. Ms 2/38.
V.R. Sch III 22/38.

U r t e i l

Im Namen des Deutschen Volkes !

Das Schöffengericht bei dem Amtsgericht F ü r t h(Bay) erkennt in dem Strafverfahren gegen

R a h n Alfred, Kaufmann in Fürth (Bay.) ,

wegen falscher Eidesstattlicherversicherung und Devisenvergehens in der öffentlichen Sitzung vom Dienstag, 25. Januar 1938, an der teilgenommen haben :

1. AGR. S t r a u s
als Vorsitzender

2.a) Bauer Ludwig,Handlungsgehilfe Fürth,

b) Hofmockel Fritz, Kaufmann in Fürth
als Schöffen

3. Staatsanwalt F e r a z i n
als Beamter der Staatsanwaltschaft,

4. J.Sekr. Roschmann
als Urkundsbeamter der Geschäftsstelle

Das Urteil ist rechtskräftig.
Fürth i/Bay., 2.II.1938
Geschäftsstelle des Amtsgerichts
gez. Reinprank
Justizoberinspektor,

auf Grund der Hauptverhandlung zu Recht :

R a h n Alfred, geboren am 28. Januar 1901 zu Fürth (Bay.),verh. Kaufmann in Fürth (Bay.), seit 30. Dezember 1937 in dieser Sache im Gerichtsgefängnis Fürth (Bay.) in Untersuchungshaft, wird wegen eines fortgesetzten Devisenvergehens gemäss §§ 34, 43 Ziffer 5 Dev.Ges.in Tateinheit mit einem Vergehen der Abgabe einer falschen eidesstattlichen Versicherung zu einem Jahr und z w e i Monaten Gefängnis und zu den Kosten des Verfahrens verurteilt. D r e i Wochen der Untersuchungshaft werden angerechnet.

G r ü n d e :

Der Angeklagte trug sich seit Mai oder Juni 1937 mit dem Gedanken, aus Deutschland auszuwandern,da er sich als Jude in seiner geschäftlichen Entwicklung in Deutschland behindert sah. Er zog bei dem Wirtschaftstreuhänder Georg Held in Nürnberg Erkundigungen über die dazu erforderlichen Schritte ein und wurde von

diesem auch in Bezug auf seine Verpflichtungen gegenüber der Devisenstelle entsprechend unterrichtet. Am 8. und 15. Juni, sowie am 9. Juli und 23. August 1937 zog er je 5000.--RM. aus seinem Geschäft , einer Eisengrosshandlung in Fürth, an der er und seine Mutter Johanna Rahn laut Bilanz vom 31.12.1936 zu mit 38.217.17 bezw. 105.061.58 RM. beteiligt waren. Seine und seiner Mutter Bankkonten löste er durch Abziehen der Bestände von insgesamt 10.000.-- RM.am 6. und 13. Juli 1937 auf. Die Gesamtsumme von 30.000.--RM.verwahrte er als Bargeld in einer Kassette, gesondert nach Abhebungszeit und Abhebungsstelle bis zum 22.10.1937 im Kassenschrank seiner Firma, von da ab in seiner Privatwohnung auf. Etwa im September 1937 trat er mit dem Zeugen Schulte-Wissermann wegen Verkaufs seines Geschäfts in Verbindung. Die Verhandlungen wurden am 22.10.1937 damit abgeschlossen, dass die Firma mit dem Haus Königstrasse Nr. 129 in Fürth um 110.000.--RM. verkauft wurde, ohne dass darin das Warenlager im später festgestellten Wert von 19.500.--RM. und die bei Rahn verbleibenden Aussenstände von etwa 70.000.--RM enthalten waren. Die Schulden der Firma beliefen sich am 22.10.1937 auf ℔ 4.200.--RM für Löhne und 21.763.17 RM für Warenlieferungen. Das oben erwähnte Anwesen Königstrasse 129 in Fürth, das im Eigentum der Frau Johanna Rahn stand, wurde nicht an die Nachfolgefirma, sondern an deren Teilhaber Terberger laut notariellem Vertrag vom 22.10.1937 um 70.000.--RM - die in den oben genannten 110.000.--RM. also enthalten sind - verkauft, die Zahlung sollte sofort für Rechnung der Johanna Rahn auf ein Konto bei der Dresdner Bank in Fürth mit der Massgabe erfolgen, dass über den Betrag erst nach lastenfreier Umschreibung des Anwesens auf den Käufer im Grundbuch verfügt werden könne. Dementsprechend leistete Terberger bereits am 22.10.1937 auf ein Sonderkonto der Dresdner Bank die Kaufsumme von 75.000.--RM wovon ein Betrag von 15.000.--RM noch zur Bezahlung der Wertzuwachssteuer zurückzubehalten war. Bei den notariellen Kaufsverhandlungen wurden zwar auch etwaige Schwierigkeiten erörtert, die sich aus der Preisstoppverordnung, die erst am 6.10.1937 auf Grundstücke ausgedehnt worden war, und aus dem Reichswohnsiedlungsgesetz ergeben könnten,jedoch wurde die Rechtslage vom Notar zuversichtlich beurteilt.

Um die zur Auswanderung notwendige Unbedenklichkeitsbescheinigung zu erhalten,füllte der Angeklagte am 22.10.1937 einen Fragebogen aus,den ihm die Devisenstelle Nürnberg am 19.10.1937 behändigt hatte. Ferner füllte er auch für seine Mutter Johanna Rahn einen solchen Fragebogen aus,datierte ihn ebenfalls vom 22.10.1937 und liess ihn von seiner Mutter unterzeichnen.Seinen eigenen Fragebogen

reichte er sofort nebst einer eidesstattlichen Versicherung der restlosen und wahrheitsgetreuen Aufführung seiner sowie seiner Ehefrau und minderjährigen Kinder Vermögenswerte in der vorgelegten Vermögensaufstellung ein. In dieser Aufstellung hatte er jedoch unter Ziffer 14a, in der nach den Barmitteln gefragt wurde "ca.1500.- RM angegeben. Die Erklärung seiner Mutter,die er nebst einer von ihr unterschriebenen eidesstattlichen Versicherung gleichen Inhalts wie der seinen erst am 27.10.1937 bei der Devisenstelle vorlegte,enthielt unter Ziffer 14a ebenfalls die Angabe " ca.1500.--RM, unter 14d (Immobilien, Grundbesitz " Anwesen Fürth, Königstrasse 129 letzter Einheitswert 31.500.--RM"unter 14g (Darlehensforderungen,Aussenstände,Beteiligungen keinen Eintrag, ebenso auch nicht unter 14b) Guthaben bei Banken, Sparkassen usw. In Wirklichkeit hatte er ausserhalb des im Geschäft arbeitenden Vermögens,das unter 14e zum Bilanzwert vom 31.12.1936 mit 38.217.17 RM bezw. 105.061.58 RM in beiden Erklärungen aufgeführt war,die schon erwähnte bare Summe von 30.000.--RM die auch in der Firma als Privatentnahme gebucht war. Die am 22.10.1937 vorhandenen Schulden der Firma von rund 26000.-RM wurden bis zum 19.11.1937 aus eingehenden Aussenständen bis auf 9.604.50 RM abgedeckt. Bei den Aussenständen handelte es sich um Forderungen gegen gute, flüssig zahlende Kundschaft. Der Angeklagte hatte allein sämtliche Geschäftsaufgaben ohne Beteiligung seiner Mutter Johanna Rahn zu erledigen, sodass diese bei Unterzeichnung ihrer Vermögenserklärung über deren Wahrheitsmässigkeit keinen Ueberblick hatte und daher der Angeklagte die Erklärung seiner Mutter als Ergänzung seiner eigenen benutzte.

Dieser Sachverhalt steht auf Grund der Hauptverhandlung teils durch die Bekundungen des Angeklagten, im übrigen durch die Aussagen der Zeugen Wapenhensch,Zaus, Schulte-Wissermann,Hofmockel und Held,sowie durch Vorlage der fraglichen Erklärungen und eidesstattlichen Versicherung, der Kaufurkunde vom 22.10.1937 und des Schreibens der Dresdner Bank vom 22.10.1937 zweifelsfrei fest.

Der Angeklagte ist danach überführt,in Verfolgung eines einheitlichen Vorsatzes Auskünfte gegenüber einer Devisenstelle über Zahlungsmittel, die von der Devisenstelle angefordert waren, vorsätzlich unvollständig oder unrichtig erstattet und durch die gleiche Handlung vor einer zur Abnahme einer Versicherung an Eidesstatt zuständigen Behörde eine solche Versicherung wissentlich falsch abgegeben zu haben.Der Einwand des Angeklagten, der Barbetrag von 27.000.--RM -(30.000.--RM - 1.500.--RM - 1500.--RM.) - sei in dem Geschäftsvermögen von 38.217.17 RM. bezw.105.061.58 RM. enthalten und somit die Vermögenserklärung im Endergebnis richtig, ist nicht

stichhaltig. Hätte er wirklich diese Form der Erklärung beabsichtigt, dann wäre nicht verständlich, warum er unter 14a den auf jeden Fall falschen Barbetrag von 1500.--RM nannte. Auch war unter 14e nur das Geschäftsvermögen aufzuführen, während die dem Geschäft entzogenen 30.000.--RM als Privatvermögeh gelten mussten. Es ist bei der offenen Handelsgesellschaft, als welche die Firma des Angeklagten unter dem Namen M.S. Farrnbacher betrieben wurde, zwar so, dass der Gesellschafter mit seinem Privatvermögen für die Schulden der Gesellschaft haftet. Doch hindert dies eine Trennung von Firmen - und Privatvermögen nicht, besonders wenn es wie hier offensichtlich der Bestimmung für die Firma entzogen ist. Auch weist die Bilanz vom 31.12.1936 nur einen Barbestand von etwa 13.000.--RM auf. Wenn es auch gestattet sein mochte, sich bei Angabe des Geschäftsvermögens auf diese Bilanz zu beziehen, so konnte sich der Angeklagte doch nicht darauf hinausreden, dass damit auch sein ganzes gegenwärtiges Vermögen einschliesslich des Barbestandes umfasst wurde, wenn der Jetztstand erheblich vom Bilanzstand abwich. Dies war aber der Fall. Denn die Bilanz wies einschliesslich des zum Einheitswert eingesetzten Anwesens einen Vermögensstand von 143.278.75 + 31.500.-- = 174.778.75 aus, während er lt. Vertrag vom gleichen Tage für Geschäft und Anwesen 110.000.--RM erhielt, wozu Aussenstände mit 70.000.--RM und ein Warenlager mit 19.500.--RM. Wert kamen, sodass der Vermögensstand am 22.10.1937 sich auf etwa 200.000.-- RM. belief, worüber sich auch der Angeklagte im klaren sein musste, da er sicher das Geschäft nicht ohne Schätzung der Aussenstände und des Lagers am 22.10.1937 abgab. Es ist daher weder das Ergebnis der Aufstellung richtig, noch diese selbst, worüber der Angeklagte sich voll im klaren sein musste.

Der weitere Einwand, der Angeklagte habe die 20.000.--RM der Firma nicht entziehen, sondern zur Schuldenzahlung bereitstellen wollen, für den Fall, dass auf sein Auswanderervorhaben hin seine Bankkonten usw. gesperrt würden, erweist sich aus folgendem als hinfällig; Weder aus dem vom Geschäft noch aus dem von der Bank abgehobenen Geld hatte der Angeklagte bis zu dessen Auffindung durch den Steuerinspektor Raab im November 1937 eine einzige Geschäftsschuld bezahlt. Diese wurden vielmehr in der Zeit vom 22.10. bis 19.11.1937 in Höhe von etwa 17.000.--RM aus eingehenden Aussenständen beglichen und konnten bei deren Güte auch vollständig damit abgedeckt werden. Der Angeklagte hatte sich bei dem Wirtschaftstreuhänder Zeugen Held vorher eingehend über etwaige Schwierigkeiten bei der Auswanderung unterrichtet. Wenn er hinsichtlich Kontensperrung Bedenken hatte, so erkundigte er sich sicher auch in dieser Richtung und erfuhr,dass eine solche nicht zu befürchten sei, wenn gegen ihn kein Verdacht bestehe.

Mit Angst vor Kontensperrung war daher seine Geldabhebung nicht zu begründen. Auch sein angeblicher Spleen, er habe zur prompten Zahlung seiner Lieferanten immer grosse Zahlungsmittel bereit gehalten und so die 30.000.--RM auch weiter als Geschäftsvermögen betrachtet, bietetkeine hinreichende Begründung. Denn nach der Aussage seines Buchhalters, des Zeugen Hofmockel hielt er im Geschäft zwar öfters grössere Barmittel bereit und zahlte er Warensendungen bis auf eine Risikospanne schon bei Erhalt der Faktura, jedoch handelt es sich hier um keinen Spleen, sondern um die bekannte jüdische Methode, durch ihre Geldmacht,die Lieferanten in Abhängigkeit zu bringen,um ihnen schliesslich die Verkaufsbedingungen zu diktieren. Auch geschah die Zahlung nicht durch Barversendung, sondern wie sonst überall durch bargeldlose Ueberweisung. Diese wäre aber gerade durch die Abziehung der Bankkonten unmöglich geworden. Damit ergibt sich klar, dass die aus dem Geschäft gezogenen 20.000.--RM. der Verwendung für das Geschäft und damit dem Geschäftsvermögen etnzogen sein sollten und daher auch nicht als " Geschäftsvermögen " aufgeführt gelten durften.

Der weitere Einwand, derAngeklagte sei sich einer Verfehlung nicht bewusst gewesen, selbst wenn er eine objektiv falsche Aufstellung eingereicht hätte, konnte ihn auch nicht entlasten. Es ist zwar richtig, dass er vor Auswanderung mit einer Buchprüfung rechnenmusste und dass hiebei seine Abhebungen von Juni und Juli 1937 offenkundig werden mussten. Bei der grossen Zeitspanne zwischen einer solchen Prüfung und der Abhebung hätte er sich jedoch ohne Auffindung des Barbetrages jederzeit auf den Verbrauch für private oder geschäftliche Zwecke berufen können, ohne dass man das Gegenteil hätte nachweisen können. Auch ist richtig, dass er dem Beamten Raab bei seinem Besuch sofort zugestand, einen Barbetrag von 30.000.--RM in der Wohnung zu haben und dass die betreffende Kassette hier frei auf einem Möbelstück lag. Jedoch konnte er angesichts einer Durchsuchung der Wohnung nichts besseres tun, als sofort den Geldbesitz zuzugestehen, da er sich sonst erst recht überführt hätte wenn er den Geldbesitz verneint hätte. Es ist daher auch hierin kein Beweis dafür zu erblicken, dass er seine Vermögensaufstellungen für richtig hielt.

Wenn er hinsichtlich des Hauses einwandte, diesessei noch nicht in das Eigentum des Käufers übergegangen gewesen, der Uebergang sei auch wegen der Preisstoppverordnung und des Reichswohnsiedlungsgesetz[es] am 22.10.1937 noch zweifelhaft gewesen, mit einer Verfügung

über die Kaufsumme habe er noch nicht rechnen können, er habe daher das Anwesen nur zum Einheitswert als Eigentum seiner Mutter einsetzen und die Kaufsumme noch nicht erwähnen können, so gilt hier folgendes : Es ist zwar richtig, dass das Anwesen am 22.10. 1937 zwar notariell verkauft, aber noch nicht im Grundbuch umschrieben war und dass die erforderliche Genehmigung der Verwaltungsbehörde noch nicht vorlag. Andererseits aber wusste der Angeklagte bei Abgabe der Erklärung seiner Mutter am 27.10.1937,dass die Kaufsumme abzüglich 15.000.--RM Sicherungsbetrag für die Grunderwerbsteuer bereits am 22.10.1937 für seine Mutter angewiesen war. Dies wieder ist ein Beweis dafür, dass die Beteiligten bei Abschluss des Kaufvertrags die Lage als durchaus zuversichtlich beurteilten und dass daher auch der Angeklagte mit baldigem Freiwerden der Kaufsumme rechnen dürfte. Das für seine Mutter angewiesene Geld war daher jedenfalls eine bedingte Forderung bezw. ein Bankguthaben, dessen Verfügbarkeit bald zu erwarten stand. Er war daher verpflichtet, es in seiner Erklärung bezw. der Erklärung seiner Mutter unter Ziff.14b oder g erscheinen zu lassen. In einer Anlage konnte er dann den bedingten Charakter des Eigentums am Anwesen und an diesem Guthaben darstellen. Da er dies nicht tat, war die Erklärung seiner Mutter, für die er jedoch selbst verantwortlich ist, auch in diesem Punkte unrichtig.

Ausser diesen sachlichen Einwänden brachte der Angeklagte noch vor, die von seiner Mutter abgegebene eidesstattliche Versicherung mache ihn selbst wegen des persönlichen Charakters der Eidesdelikte nicht strafbar, ausserdem handelt es sich um eine formulierte Erklärung, bei der im Gegensatz zur Bekundung eines Zeugen der Wortlaut der Erklärung massgebend sei. Die eidesstattliche Versicherung habe die restlose Vermögensangabe zu decken, diese sei aber tatsächlich erfolgt :

Dazu ist zu sagen: Es wurde bereits festgestellt, dass für den Inhalt der Vermögenserklärung der Frau Johanna Rahn der Angeklagte allein verantwortlich ist, nachdem seiner Mutter unwiderleglich jeder Ueberblick über die Vermögens- und Geschäftslage fehlte. Mittelbare Täterschaft für die Abgabe einer Erklärung gegenüber der Devisenstelle nach § 34 Dev.Ges.ist möglich, soweit sie nicht eine eidesstattliche Versicherung mit umfasst. Denn es handelt sich hier um ein auf Täuschung berechnetes Delikt, bei dem die unmittelbare Täuschung der Behörde auch durch einen aus irgendwelchen Gründen straffreien Mittelsmann erfolgen kann. In die-

sem Fall benutzte der Angeklagte offenbar zu einer solchen Täuschung seine Mutter und deren Unterschrift. Was nun die eidesstattliche Versicherung seiner Mutter angeht, so fehlt ihr hier der Gegenstand, nachdem eine Haftung der Johanna Rahn in strafrechtlicher Hinsicht ausscheidet. Sie versicherte etwas als wahr an Eidesstatt dessen Wahrheit oder Unwahrheit sie gar nicht kennen konnte. Für die strafrechtliche Betrachtung scheidet daher die eidesstattliche Versicherung der Johanna Rahn vollständig aus. Mittelbare Täterschaft kommt bei dieser Versicherung auch für den Angeklagten nicht in Frage, da dies durch den höchstpersönlichen Charakter einer solchen Erklärung ausgeschlossen ist. Denn diese deckt ebenso wie der Eid nur das Wissen oder Nichtwissen des Erklärenden selbst und kann daher ihrer Natur nach sich nicht auf das Wissen oder Nichtwissen eines anderen erstrecken.

Wenn die eidesstattliche Versicherung sich auch als genau formulierte Erklärung darstellt, so kann sie jedoch nur in Verbindung mit dem Formular betrachtet werden, zu dem sie gehörte. Wenn aber dieses das Vermögen des Erklärenden in seine sämtliche Arten zergliederte und dann die Ausfüllung des Formulars als restlos und wahrheitsgetreu zu versichern war, so konnte damit nur die restlose und wahrheitsgetreue Beantwortung eines jeden Punktes gemeint sein. Dass eine am Schluss aufgestellte Summe allein genüge, konnte selbst bei oberflächlicher Betrachtung nicht in Erwägung gezogen werden.

Dass sich der Angeklagte der Unwahrheit seiner Erklärung bewusst war, ergibt sich schon daraus, dass er als Leiter eines grösseren Geschäftsunternehmens Intelligenz genug besass, um den Zweck des Fragebogens zu erkennen, der eine möglichst genaue Uebersicht über sämtliche Vermögensteile eines [redacted] Auswanderungslustigen geben sollte. Weiter erhellt dies aus dem einzig möglichen Zweck, durch den die zinslose monatelange Aufbewahrung von 30.000.— RM bei einem jüdischen Geschäftsmann zu erklären ist nämlich aus der Absicht, diese Barmittel entweder selbst in voller Valtua oder in leicht versteckbare Sachwerte umgesetzt ohne Kontrolle der Devisenstelle ins Ausland zu bringen und so die Anlegung in Sperrmark zu vermeiden. Dieser Absicht musste der Angeklagte nach Sachlage als voll überführt gelten und damit auch der vorsätzlichen Abgabe einer unvollständigen und unrichtigen Auskunft in Tateinheit mit einer wissentlich falschen Erklärung an Eidesstatt. Die Auskunft wurde zu zwei Zeit/Punkten, jedoch jeweils

zu dem gleichen Zweck einer einheitlichen Vermögensverschleierung gegeben, wobei auch offenbar der gleiche Vorsatz, die Behörden über das Gesamtvermögen von Mutter und Sohn Rahn zu täuschen, zu Grunde lag. Hinsichtlich der Auskunft liegt daher eine fortgesetzte Handlung vor, die in dem den Angeklagten betreffenden Teil mit der falschen eidesstattlichen Versicherung zusammentraf. Er war daher wegen eines fortgesetzten Devisenvergehens gemäss §§ 34,43 Z.5 des Dev.Ges. vom 4.2.1935 in Tateinheit mit einem Vergehen der wissentlichen falschen Versicherung an Eidesstatt gemäss § 156 StGB zu verurteilen. Die Strafe war gemäss § 73 StGB aus § 156 StGB zu entnehmen, da dieser Gefängnisstrafe und damit gegenüber dem Dev.Ges. die schwerere Strafart androht, nachdem § 43 Dev.Ges. nur Geldstrafe vorsieht.

Im Strafmass musste zu Lasten des Angeklagten das erhebliche öffentliche Interesse in die Waagschale fallen,das an der wahrheitsgetreuen Auskunft gerade bei jüdischen Auswandererern besteht, da vermieden werden muss, dass unkontrolliertes Kapital ins Ausland wandert und dort in jüdischen Händen gegen die Deutsche Wirtschaft und die Deutsche Nation arbeitet. Was die eidesstattliche Versicherung betrifft, so ist sie für die Devisenstelle die einzige Gewähr für wahrheitsgetreue Angaben und bedarf daher eines besonderen Schutzes. Weiterhin musste auch der erhebliche der öffentlichen Kontrolle entzogene Wert von 27.000.— RM. im Falle des Bargeldes und von 75.000.— RM. im Falle des Bankguthabens erschwerend in Betracht gezogen werden, wenn auch bei letzterem der Umstand die Sachlage milderte, dass durch Abzug von 15.000.— RM. für Steuerzwecke und durch Anführung des Anwesens im Einheitswert ein Betrag von 46.500.— RM. davon abgesetztwerden kann. Mildernd konnte im übrigen nur das bisherige straffreie Vorleben des Angeklagten gewürdigt werden, während sein Leugnen in der Hauptverhandlung und sein Versuch mit allen möglichen Einwänden die Verantwortung von sich abzuwälzen nur gegen ihn sprechen konnte. Eine Gefängnisstrafe von 1 Jahr, 2 Monaten erschien dem Verschulden angemessen. Da sich der Angeklagte in dieser Sache seit 29.12.1937 in Untersuchungshaft befindet, erschien es billig, ihm gemäss § 60 StGB. hiervon drei Wochen auf die Gefängnisstrafe anzurechnen. Haftfortdauer war anzuordnen, da mit Rücksicht auf die guten Vermögensverhältnisse und die sicher bereits angebahnten Auslandsbeziehungen des Angeklagten wie auch bei der internationalen Zusam-

mengehörigkeit der jüdischen Rasse mit ~~Flucht~~ Flucht zu rechnen ist.

Kostenfolge : §§ 464, 465, StPO.!

gez. Unterschrift.

Zur Beglaubigung :

Fürth i/Bay.,den 10. März 1938
Der Urkundsbeamte
der Geschäftsstelle des Amtsgerichts

L.S. gez. unleserlich
JJ.

für die Abschrift

Dr. Bell

Rechtsanwalt.

811.11 Rahn, Alfred
FLS/MLB

Copy for the files of the Department.

File
Original mailed
DSH

MAR 11 1938

Stuttgart, Germany, February 28, 1938.

Mr. Max Rahn,
General Cigar Company,
Caguas, Puerto Rico.

Sir:

The receipt is acknowledged of your letter of February 14, 1938, concerning your brother, Alfred Rahn, his wife and daughter, who received immigration visas to the United States at this office on November 18, 1937. You state that in all probability, they cannot leave Germany before the spring of 1939 and ask this office to expedite the issuance of visas to the Rahn family when they are in a position to emigrate.

The Consulate is, of course, unable to give definite assurance that the Rahn family will be able to qualify for immigration visas when they again make their applications, but you are assured that prompt and sympathetic attention will be accorded to their applications.

If they are unable to emigrate before the spring of 1939, it is suggested that you forward to this office shortly after January 1, 1939, new evidence of your willingness and ability to provide for them in the United States. If your brother finds that he is able to emigrate before that time, he should communicate with this office and it will then be determined whether or not additional evidence will be required from you.

Respectfully yours,

Samuel W. Honaker,
American Consul General.

811.111 RAHN, ALFRED

IM/R

DEPARTMENT OF LABOR

OFFICE OF THE SOLICITOR

WASHINGTON

July 20, 1938

Miss Sophie Nack
Dupont Circle Apartments
Washington, D. C.

Dear Miss Nack:

I have your letter enclosing Mr. Rahn's correspondence with respect to his brother, Alfred Rahn, who, I take it, is the visa applicant at Stuttgart, whose case was recently the subject of some correspondence between this office and Mr. Simmons of the State Department (State Department file VD 811.111). As I understand it, Mr. Alfred Rahn has recently been imprisoned on the conviction of an offense under foreign exchange regulations recently promulgated by the German government. I also gather that the Consul is of the opinion that he is eligible for a quota visa which would enable him to immigrate to the United States at the end of his sentence except for the fact that he is now doubtful as to his admissibility because of the provisions of the Immigration Act of 1917 excluding persons who have been convicted of crimes involving moral turpitude.

Since this case is not before the Department at present, and since the matter of issuing visas is entirely within the hands of the State Department, I cannot express an official opinion at this time. I would be inclined to think, however, that this conviction would not be a fatal obstacle to his admissibility. The phrase "crimes involving moral turpitude" has been construed by this Department as referring to common law offenses involving mens rea. The regulations in question do not seem to correspond with what would ordinarily be regarded as a penal code. They are partly a phase of the German government's policy of confiscating the property of Jewish emigres. In looking over the copy of the judgment of the court which you sent me, it appears that the sentence was based primarily upon upon the fact that the applicant returned a false affidavit to the government pursuant to these regulations. While superficially this does resemble the crime of perjury, which is ordinarily regarded as a crime involving moral turpitude, it would seem to me that the American officials would be inclined not to accept this analogy since the affidavit in question is required by a property law of unusual character. According to Anglo-American notions of jurisprudence perjury usually means a false swearing in connection with testimony given

in court or in connection with some judicial proceeding rather than with respect to affidavits furnished pursuant to some revenue law or local regulation.

Should the Consul rule adversely in this matter it might be well for you to suggest that Mr. Rahn's friends ask the Visa Division of the State Department to review the case.

Sincerely yours,

Gerard D. Reilly

GERARD D. REILLY
Solicitor of Labor

IN REPLY REFER TO
FILE NO. 811.11 Rahn, Alfred
HJL/PS

DEPARTMENT OF STATE

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

AMERICAN CONSULATE,

Stuttgart, Germany, August 25, 1938.

Frau Dr. Lilli Rahn,
Adolf Hitler Strasse 26,
Fuerth, Bayern.

Madam:

Reference is made to your letter of August 23, 1938, and your visit to the Consulate of August 8, on which occasion you left certified copies of the original and translations of the judgment of the court in the matter of the conviction of your husband of violations of paragraphs 34 and 43 of the German foreign exchange law of February 4, 1935, and of paragraph 156 of the German criminal code.

You were informed at that time that, in the event there appeared to be any doubt regarding the effect of your husband's conviction upon the status of his admissibility to the United States under the excluding provisions of the American immigration laws, the case might be referred to the appropriate authorities at Washington for a ruling upon the points of law involved. If the conviction had pertained merely to a technical violation of the foreign exchange law and the offense had involved no false swearing, the Consulate would have been pleased to refer the case, for appropriate instruction, to the authorities in Washington.

A careful examination of the court's judgment, however, reveals that your husband was definitely convicted of a violation of paragraph 156 of the criminal code reading as follows:

> "Any person who gives evidence under oath before an appropriate authority and knowingly makes false statements, or who, with reference to such an oath, makes false statements, will be subject to a penalty of from one month to three years."

Section

Section 3 of the American Immigration Act of February 5, 1917, provides that an alien, who has been convicted of a crime or misdemeanor involving moral turpitude, shall be mandatorily excludable from the United States. The American courts have consistently held that perjury - false swearing under oath - involves moral turpitude within the meaning of the law, and consular officers have been so instructed by the appropriate authorities in Washington. Furthermore, the American courts have held that if the alien has been convicted of a crime such as indicated, and the conviction is established, it is not the duty of an administrative officer, such as a consular officer, to go behind the judgment in order to determine purpose, motive and knowledge, as indicative of moral character.

In view of the foregoing facts, it is clear that the offense of which your husband has been convicted definitely excludes him from the United States. Hence, it is useless for the Consulate to refer the matter to the authorities at Washington. It is also probable that the solicitor of the Department of Labor, who you stated had expressed a favorable opinion regarding the admissibility of your husband, was not aware of his conviction of false swearing. The copies of the judgment of the court are returned herewith.

Respectfully yours,
For the Consul General:

H. J. L'Heureux

H. J. L'Heureux,
American Consul.

Enclosures:
Copies of judgment of
court with translation.

DEPARTMENT OF STATE

VISA DIVISION

September 15, 1938

Le

Dear Mr. Flournoy:

Will you be good enough to look over the attached documents in the case of Alfred Rahn, an applicant for an immigration visa at the American Consulate at Stuttgart?

Mr. Rahn's brother, Mr. Max Rahn, is in Washington from Puerto Rico to take up the legal phases of the case with the Department. He will return to the Visa Division this afternoon.

It appears that Alfred Rahn obtained an immigration visa at Stuttgart on November 18, 1937, but before he could dispose of his business and depart from Germany he became involved in difficulties with the German authorities in connection with the exchange restrictions. He withdrew the sum of 30,000 RM from his business and concealed it in a strong box in his home, failing properly to report such cash on hand in an affidavit which he was required to submit concerning his property in order to obtain the permission of the German Government to depart from Germany.

He was convicted of a violation of the regulations concerning foreign exchange and also was convicted of the

commission

811.111 RAHN, ALFRED

R/(illegible)

commission of a crime under Paragraph 156 of the Criminal Code, in connection with the submission of a false affidavit. The provision of the Criminal Code in question reads, in translation, as follows:

> "Any person who gives evidence under oath before an appropriate authority and knowingly makes false statements, or who, with reference to such an oath, makes false statements, will be subject to a penalty of from one month to three years."

It does not appear to me that the offenses defined in the above quoted translation of the German Penal Code may be <u>invariably</u> considered as crimes involving moral turpitude. The offenses correspond somewhat to that of false swearing, as defined in Section 22 (c) of our Immigration Act of 1924. They fall short of a definition of the crime of perjury, in that the element of the materiality, which is necessary to perjury, is not included as a specific element of the crimes.

The Attorney General of the United States held in his Opinion of October 13, 1933 that a violation of the immigration laws, and the passport laws, of the United States and of other countries, is to be considered as an offense involving moral turpitude if such an offense involves false swearing "<u>amounting to perjury</u>." False swearing not amounting to perjury, the Attorney General indicated, while a grave offense and properly penalized, does not involve moral turpitude within the concept of

our

our people. I assume that the same would be true of false swearing in connection with the violation of a foreign exchange law, and that unless the offense in such a case involves false swearing amounting to perjury it would not have to be considered as one involving moral turpitude.

The facts in the present case of Alfred Rahn therefore seem to be that he was convicted of an offense amounting to false swearing under a provision of the German Criminal Code which does not specifically contain the elements of the crime of perjury, in that such offense lacks the element of the materiality of the false statements made under oath, × although the false statements made by the alien actually were material to the question at issue in his case when he submitted the affidavit containing the false statements.

As I see this phase of the case, the alien may have been guilty of knowingly making a false statement in an affidavit regarding a material fact, although he was not convicted of such an offense, but was convicted of a lesser one in which it was immaterial to a conviction under the statute whether his false statements were material to the question at issue in his case. He therefore was not convicted of a crime amounting to perjury, although he may have committed such a crime. In such a case, therefore, it would

× Upon foreign exchange, but presumably it means that a false statement would not be sworn to materially if no foreign exchange matter was at issue.

would seem to me that it would be possible to disregard the conviction and request the consular officer concerned to interrogate the visa applicant in order to determine whether he admits committing acts constituting the crime of perjury, i.e., knowingly making under oath a false statement regarding a material fact. It is doubtful, however, whether the alien would admit that he committed such an offense, remembering that he pleaded "not guilty" in the court of the lesser offense.

I am, of course, assuming for the present that the German law requires a sworn statement of the kind made by the alien and that it was not merely one required upon the whim or caprice of the German administrative authorities, for I doubt whether an administrative officer can place a person under oath upon his own initiative and afterward successfully charge such person with the crime of perjury. The oath must be one required or authorized by law in such a case.

I am not overlooking the fact that while Section 22 (c) of the Immigration Act of 1924 does not specifically contain the element of materiality, it would be difficult to obtain the conviction of a person under that Section unless the false statement concerned were material to the question at issue in the case. It is not necessary to go into this

question

question in the present case, however, because the false statements of which Alfred Rahn was convicted were undoubtedly material to his case.

With reference to Mr. Reilly's informal opinion in the present case, to the effect that the offense in question is not one involving moral turpitude, I do not think we need be concerned about his views. It is quite true, as he states, that "the phrase 'crimes involving moral turpitude' has been construed by this (his) Department as referring to common law offenses involving mens rea." However, it is news to me if his Department has held that the moral turpitude clause is limited in its application to crimes of the kind mentioned. The Attorney General of the United States apparently does not subscribe to the view that only common law offenses are covered by the moral turpitude clause. Statutory offenses are also covered, according to the Attorney General's Opinion of October 13, 1933, and such offenses may be committed in countries which are strangers to the common law. Surely Congress never intended that the moral turpitude clause should apply only to certain offenses under the common law, since this would be an unheard of discrimination against the English people.

Mr. Reilly further states that "perjury usually means

a

a false swearing in connection with testimony given in court or in connection with some judicial proceeding rather than with respect to affidavits furnished pursuant to some revenue law or local regulation." The word "usually," which I have underscored, saves his statement from being inaccurate, but does not prevent it from being misleading. It is true that common law perjury could only be committed in a judicial proceeding, but the courts in the United States have repeatedly held that statutory perjury may be committed in other cases according to the terms of the statute, and that statutory perjury is equally infamous and reprehensible with common law perjury. In fact, most of the convictions of perjury in this country today are based upon statutes.

I think we understand what Mr. Reilly was trying to say and his reasons for saying it in this case. None of us are in sympathy with the efforts of the German Government to confiscate the property of the Jewish emigrants, but we must not be carried away in our sympathy beyond the bounds of reason. If an alien has been convicted of an offense under a foreign law, and if the elements of the crime constitute an offense involving moral turpitude according to the standard of morals in the United States, which Congress had in mind when enacting the moral turpitude clause, we must hold

the

the alien to be inadmissible into the United States, even though he be a German Jew whose property is being confiscated by his Government.

In the present case, however, the provision of the German Penal Code in question does not completely define an offense involving moral turpitude, and, as the Court indicated in the case of Andreacchi V. Curran, 1 a conviction under such a statute does not necessarily amount to the conviction of a crime involving moral turpitude. The court intimated in the Andreacchi case, however, that if there should be a conviction under the Harrison Anti-Narcotic Act in which the defendant had guilty knowledge of the possession of narcotics, it might be held that the offense involved moral turpitude. The question is, do we have a similar situation here? Although the alien was not convicted on the element of materiality it was nevertheless present. As I see it, he was guilty of a crime involving moral turpitude, but I doubt whether we can hold that he was convicted of such a crime, in the light of the Opinion of the Attorney General of October 13, 1933.

We could, of course, withhold any decision in this case at the present time and look into the question whether there is any offense of false swearing under the criminal law

of

of Germany which includes materiality as an essential element of such a crime, and which would therefore correspond to the crime of perjury under our laws. If we should find that there is such a crime under the German law we would be in a much better position to hold that the alien in this case was not convicted of an offense involving moral turpitude. On the other hand, if we should find that there is no offense under the German law which corresponds to the crime of perjury under our law we would be just where we are today, so far as the question in this case is concerned.

I should appreciate receiving an expression of your views. It is not necessary to write an opinion.

A. M. Warren

811.111 Rahn, Alfred

VD:RCA:EEW

DEPARTMENT OF STATE

THE LEGAL ADVISER

October 24, 1938

Does a conviction of the offense of false swearing under German Law exclude Alfred Rahn, under Section 3 of the Immigration Law of 1917, as a person having been convicted of a crime involving moral turpitude?

The facts of the case are as follows: On November 18, 1937 Alfred Rahn, his wife and child, were issued immigration visas at Stuttgart (see Consular telegram from Stuttgart dated January 11, 1938). Subsequent to the issuance of the immigration visas, it appears that Alfred Rahn was convicted under Articles 34 and 43 of the German Foreign Exchange Law of February 4, 1935, and of Articles 73 and 156 of the German Criminal Code. Translations of all the foregoing articles are attached hereto as annexes. The American Consul at Stuttgart considered whether a conviction under Article 156 of the German Criminal Code aforementioned involved moral turpitude and reached the conclusion in a letter dated August 25, 1938 to Frau Dr. Lilli Rahn that moral turpitude was involved in such a conviction, thereby rendering

---

Note: Underscoring has been supplied throughout this memorandum, unless otherwise stated.

rendering Mr. Rahn excludable from the United States.

Article 156 of the German Criminal Code, according to a translation of the Consul at Stuttgart, reads as follows:

> "Any person who gives evidence under oath before an appropriate authority and knowingly makes false statements or who, with reference to such oath, makes false statements, will be subject to a penalty of from one month to three years.

Article 156 of the German Criminal Code, according to a translation of the Translating Bureau, Dept of State, is as follows:

> "Any person who knowingly makes a false affirmation before an official competent to take a solemn affirmation or knowingly gives false testimony, invoking such an affirmation, shall be punished by imprisonment for from one month to three years."

Recently this case was presented to the Visa Division for re-examination, and it has now been submitted to this Office by a memorandum of the Visa Division dated September 15, 1938, prepared by Mr. Alexander, in which the conclusion is reached that Mr. Rahn "was guilty of a crime involving moral turpitude," but, it was added, that it was doubted whether it could be held that he had been convicted of such a crime in view of the opinion of the Attorney General of October 13, 1933.

A translation of the judgment of the German Court of Assizes at the District Court in Fuerth sets out that

Mr. Rahn

Mr. Rahn, preparatory to his intended exodus from Germany for the purpose of coming to the United States, made an incomplete and incorrect accounting to the Foreign Exchange Office as to his assets, failing to include in such return a sum in excess of 70,000 Reichsmarks, and that this incorrect information was given in the form of an affidavit. For clarification, the following excerpt from the above-mentioned judgment is quoted:

> "The accused is therefore convicted of having rendered incomplete or incorrect informations to a foreign exchange office as to means of payment which were demanded of him by the foreign exchange office, in uniform persuance of such intention, and by the same action to have rendered knowingly a false affidavit before an authority competent for receiving such assurance."

Further, the Court said, Mr. Rahn "had to stand fully convicted" of retaining 30,000 Reichsmarks "with the intention to take this ready cash abroad either in its full equivalent or converted into other easily hidden values, without the control of the foreign exchange office" and that he was "thereby also [convicted] of the intentional statement of an incomplete and incorrect information in joint action of knowingly rendering a false affidavit."

At this point I wish to call attention to Annex 1 of this memorandum, a translation prepared by the Translating Bureau, of the chapter from the German Criminal

Code

Code headed "Perjury", under which may be found Article 156, of which the applicant was convicted. To my mind, this is of substantial significance. In addition, the fact that among the extraditable crimes mentioned in our extradition treaty with Germany, signed at Berlin, July 12, 1930, there is listed only the crime of "Perjury or subornation of perjury", would seem to indicate that the Germans thought that the chapter in their Criminal Code headed "Perjury" included offenses such as the one of which the applicant was convicted, namely the offense defined in Article 156. (See Treaties, Conventions, etc., Vol. 4, pp. 4216, 4218.)

I wish, in passing, to call attention also to Article 155 of the German Code. This article would seem to make of immaterial consequence the discrepancy of TR's translation of Article 156 with the Consulate's translation of the same article, the former using the word "affirmation", whereas the latter used the word "oath".

We now turn our attention to the law of the crime of common law perjury. Later, we will discuss the law on the subject of false swearing, which has been by statute designated as perjury, i.e. statutory perjury, and lastly, the law concerning false swearing which has not been designated as perjury by a statute.

In Bishop's Criminal Law, Vol. 2, 9th ed., p. 760, it is stated that

"Perjury

"Perjury is the wilful giving under oath, in a judicial proceeding or course of justice, of false testimony material to the issue or point of inquiry."

This is the common law definition of perjury. 48 C.J. 820 is confirmatory of this definition. A definition of substantially the same character is found in 21 R.C.L. 254, as follows:

> "Perjury is defined as the wilful and corrupt false swearing or affirming, after an oath lawfully administered, in the course of a judicial or quasi judicial proceeding as to some matter material to the issue or point in question."

Mr. Bishop, supra, p. 791, states that

> "There are statutes in most or all of our States defining this offence [perjury] or providing for its punishment. There are similar acts of Congress. None of these greatly modify the common law rules as explained..... Some of them increase its boundaries a little."

In Clark and Marshall, The Law of Crimes, 2d ed., p. 653, it is stated that perjury has been extended by statute, in most jurisdictions, to false swearing not in a judicial proceeding. (See also 21 R.C.L. 255-256.) In other jurisdictions perjury may be based upon false swearing to a fact which is not material to the issue or point of inquiry. (Ibid.; see also 48 C.J. 821.) That is to say, perjury has been defined in various States by statutes (1) in the terms of common law perjury; (2) in the terms of common law perjury, with the exception that

that the false statement need not have been made in a judicial proceeding; (3) in the terms of common law perjury, except that the false statement need not have been made on a matter material to the issue or point of inquiry.

At this point (it is well to observe) the following excerpt from 21 R.C.L., pp. 255-256:

> "...In a number of jurisdictions the common law offense of perjury has been extended and enlarged by statute to include wilful false swearing in regard to any matter or thing respecting which an oath is required or even authorized by law. In construing such a statute the courts say that in order to constitute the crime it is not made necessary by the statute either that the false oath should be taken in a matter judicially pending at the time or in a matter material to any point in question. The offense is complete if it be shown that the false oath was taken, knowingly and wilfully, on a subject on which one could be legally sworn and before a person legally authorized to administer the oath. In other words, the purpose of such a statute, the courts say, is to include, within the definition of the crime of perjury, the taking of any and every false and corrupt oath, unless it is purely voluntary and extrajudicial, in not being required, authorized, or permitted by any law that may be enforced or carried into effect or in not being necessary for the prosecution or defense of a private right, or for the ends of public justice wherever sought to be administered."

Let us examine some of the cases involving false swearing which has been called perjury by statute. In the case of State v. Smith, 22 A. 604, involving an indictment for perjury, the Supreme Court of Vermont cited R.L. Vt., Sec. 4263, which reads:

"A

"A person of whom an oath is required by law, who wilfully swears falsely in regard to any matter or thing respecting which such oath is required, shall be guilty of perjury....."

The court said:

> "Section 4263 ... is a provision making that perjury which was not perjury at common law. This provision was evidently designed to cover the numerous instances where the statute requires a verification by oath in matters not connected with judicial proceedings."

Similarly, in the case of State v. Byrd, 4 S.E. 793, involving an indictment for perjury, the Supreme Court of South Carolina cited Section 2534, General Statutes of South Carolina, reading as follows:

> "Whoever shall wilfully and knowingly swear falsely, in taking any oath required by law, and administered by any person directed or permitted by law to administer such oath, shall be deemed guilty of perjury, and, on conviction, incur the pains and penalties of that offense",

and said:

> "'It will be observed that there is nothing in this act as to the necessity that the false swearing denounced should be material to the issue in a judicial proceeding.'"

The following excerpt from the opinion of the Supreme Court of Rhode Island in the case of State v. Miller, 58 A. 882, is quoted:

> "'Every person of whom an oath or affirmation is or shall be required by law, who shall willfully swear or affirm falsely in regard to any matter or thing respecting which such oath or

affirmation

affirmation is or shall be required, shall be deemed guilty of perjury.' This language is very broad and comprehensive, and clearly indicates the intent of the Legislature to enlarge the scope of the crime of perjury as it exists at common law, and to make any willfully false swearing in judicial proceedings perjury, regardless of the question of its materiality to the issue; that is, in effect, to make it a statutory offense."

With respect to the offense of statutory false swearing which has not been labeled perjury by a statute, attention is invited to the case of Milstead v. Commonwealth, 51 S.W. 451. Judge Paynter, speaking for the Court of Appeals of Kentucky, said:

"The indictment is for false swearing, based on section 1174, Ky. St., which reads as follows: 'If any person, in any matter which is or may be judicially pending, or which is being investigated by a grand jury, or on any subject in which he can legally be sworn, or on which he is required to be sworn, when sworn by a person authorized by law to administer an oath, shall willfully and knowingly swear, depose or give in evidence that which is false, he shall be confined in the penitentiary not less than one nor more than five years.' It was unnecessary to allege in the indictment that the testimony was material, as under this statute it is not necessary that the matter to which a witness testifies falsely should have been material, in order that he might be guilty under it."

Attention is here directed to the similarity between the language of the false swearing statute in the "Milstead" case, supra, and the language of the statutes in the cases of State v. Smith, State v. Byrd, and

State

State v. Miller, supra, defining statutory perjury.

In summation, it is well to view the following excerpt from 48 C.J. 820-821:

> "'Perjury' is often defined in the statutes, some of which have been judicially declared to be merely codifications of the common law. Where the statute prescribes a punishment for perjury without defining the offense, the common-law definition remains in effect. Many statutes define the term by enumerating the acts which shall constitute commission of the crime, including acts not within the common-law definition. Under varying statutory provisions it has been held that the intent of the legislature was to enlarge the scope of the common-law crime of perjury by eliminating the requirement of materiality of the statement, or the requirement that it be made in a judicial proceeding. Some statutes eliminate both the requirement of materiality and that of a judicial proceeding, and courts construing such statutes have indicated that such is their effect. Other statutes eliminate the requirement of a judicial proceeding but preserve that of materiality, the courts construing such statutes as making perjury the willful and corrupt assertion of a falsehood, under oath or affirmation administered by authority of law, in a material matter, the offense being enlarged and made to extend to other false oaths than those taken in the course of judicial proceedings. A third type of statute has been construed as preserving the requirement of a judicial proceeding but eliminating the requirement of materiality." (underscoring added),

Attention is drawn to the underscored sentence in the above-quoted statement. In this connection it is pertinent to observe that Jones may have been convicted in State Y of common law perjury and Smith in State Z of statutory perjury, the latter under a statute which did not require either that the false statement be

made

made with respect to a fact material to the issue or point of inquiry or that it be made in a judicial proceeding. Yet in both cases there is a conviction of perjury. (I know of no authority, and indeed have been unable to find any, indicating that one of these convictions is less reprehensible from a moral standpoint than the other.

Mr. Alexander in his memorandum aforementioned states that he doubts whether we could say that the offense of which the alien in this case was convicted involves moral turpitude because of the opinion of the Attorney General dated October 13, 1933 (37 Op. Att. Gen. 293). In that opinion it was stated:

> "Bearing particularly upon such cases, and illustrating the principles hereinbefore stated, those which arose out of violations of our immigration law, or the passport law of this or another country, and involve false swearing amounting to perjury, constitute offenses involving moral turpitude. This is not true, however, where the violation consisted merely of subterfuge or concealment of a fact upon entering the country, using a foreign passport belonging to a friend or relative as an unwise convenience, using a foreign passport issued in the name of another with probable purpose to evade peacetime military service, and such violation was not accompanied by false swearing. The basic difference is that the taking of a false oath is considered wrong independently of statute (Kaneda v. United States, 278 F. 694, 699), while the other offenses, though grave and properly penalized, cannot be said to possess the same inherent baseness in the concept of our people. The Legal Adviser of your Department has reached like conclusions."

It

It will be noted the Attorney General stated that "those which [i.e. cases] arose out of violations of our immigration law, or the passport law of this or another country, and involve false swearing amounting to perjury, constitute offenses involving moral turpitude." Then, he said this was not true where the violations constituted merely of subterfuge or concealment of a fact upon entering the country, or using a foreign passport belonging to a friend or relative as an unwise convenience, or using a foreign passport issued in the name of another with probable purpose to evade peacetime military service and such violation "was not accompanied by false swearing". It was added that "the basic difference is that the taking of a false oath is considered wrong independently of statute....." The question arises as to whether this last statement must be qualified by the earlier statement, namely, that false swearing must amount to perjury to constitute an offense involving moral turpitude. Another pertinent question to ask ourselves is what did the Attorney General mean on page 295 of his opinion under discussion when he said that the false swearing must have been made on a material matter? We have already seen that there may be statutory perjury by falsely swearing to an immaterial matter. (See supra pp.6-8) To my mind considerable weight should be placed upon the sentence reading: "The basic difference is that the taking of a false oath is considered wrong independently of statute

statute..." I am in doubt as to whether the Attorney General intended his opinion (supra) to cover both convictions of common law and of statutory perjury.

The cause of this doubt is what the courts and authorities have said about false swearing generally as is shown by the cases which follow. First, it must be remembered that the standards by which an offense is considered to involve moral turpitude are those prevailing in the United States as a whole (see 37 Op. Att. Gen. 294). With this in mind, we may note that 48 C.J. 821 has the following to say about false swearing:

> "'False swearing' has been defined as swearing to what an opponent knows to be untrue, corruptly and intentionally, in a manner that is morally and wilfully false as distinguished from being merely mistaken. In its common or popular meaning 'false swearing' is synonymous with 'perjury'."

Turning now to the cases, we find in Ray v. Times Pub. Co., 12 S.W. (2d) 165, that Judge Harvey, speaking for the court, said, "in common parlance the terms 'perjury' and 'false swearing' are interchangeable."

It is interesting to note the comments of the courts in the following four "insurance cases". It is true the courts were expressly considering the effect of the word "fraud" when used in connection with "false swearing" in certain insurance policies. Nevertheless, it is believed they

they have some pertinency in as much as it considered that even if the applicant may not have been convicted in the present case of actual fraud, the effect of his offense certainly did savour of fraud or attempted fraud.

In the case of Maher v. Hibernia Insurance Company, 67 N.Y. 283, 292, which was an action upon a policy of fire insurance to recover for a fire loss, one of the conditions in the policy being that it was void if there was any "fraud or false swearing", the court said that such false swearing "is a verified false assertion, which does deceive, or is fitted and likely to deceive, the one to whom it is made." It was also said by the court in this case that "false swearing" was used in the insurance policy in association with the word "fraud" and must have a similar interpretation.

In the case of Marion v. Great Republic Ins. Co. of St. Louis, 35 Mo. 148, 152, similarly involving an action on an insurance policy, a clause therein making it void if there was any fraud or false swearing, it was held that the false swearing "...should have been done with an intention to deceive the defendant...". The court stated that the false statement must be wilfully made in respect of a material matter and with purpose to deceive the insurer and, later in the opinion, the court referred to false swearing as the "moral offense of false swearing".

In

In the case of Mason v. Mutual Agricultural Association, 1 Upper Canada Common Pleas Reports 19, 25, Judge Mowat, in considering a clause in an insurance policy which rendered it void if there was false swearing in connection with the loss, said that "false swearing, in its ordinary sense, undoubtedly means swearing to what the deponent knows to be untrue; swearing corruptly; swearing which is morally, wilfully false, not merely mistaken."

Linscott v. Orient Ins. Co., 34 A. 405, was a case involving an action of an insurance policy, a clause thereof reading as follows:

> "This entire policy shall be void if the insured has concealed or misrepresented, in writing or otherwise, any material fact or circumstance concerning the insurance, or the subject thereof, or if the interest of the insured in the property be not truly stated herein, or in case of any fraud or false swearing touching any matter relating to this insurance, or the subject thereof, whether before or after the loss."

It was contended that in the instructions to the jury the court had erred in using conjunctively the terms "fraud" and "false swearing", and that the court should have discriminated between "fraud" and "false swearing" by employing the disjunctive "or" instead of the conjunctive "and". The Supreme Judicial Court of Maine upheld the action of the lower court and said:

"But

> "But this is a discrimination altogether too subtle and refined, in its application to the case under consideration. The fraud relied on by the defense, so far as it relates to these exceptions, is false swearing, and false swearing is fraud. False swearing consists in knowingly and intentionally stating upon oath what is not true. A false statement intentionally and knowingly or fraudulently made certainly constitutes fraud, and the statement of a fact as true which a party does not know to be true, and which he has no reasonable ground for believing to be true, is fraudulent. Leach v. Insurance Co., 58 N.H. 245; Harding v. Randall, 15 Me. 332; Hammatt v. Emerson, 27 Me. 308. It was immaterial, therefore, whether the language employed was 'fraud and false swearing,' or 'fraud or false swearing.' The significance of these expressions is the same, when taken in connection with the issue before the jury and the subject-matter to which they related."

It is well to look now to the following cases involving disbarment proceedings which are considered to have a direct bearing upon the subject of consideration.

In <u>In re Wiltse</u>, 186 P. 848, an attorney was disbarred for preparing false affidavits looking to the exemption of his clients under the Selective Draft Act. The Supreme Court of Washington said:

> "The charges of solicitation of business, however, and the filing of false claims of exemption, are so well proved and so flagrantly unethical, as well as disloyal, as sufficiently to evidence that <u>degree of moral turpitude</u> unfitting the practitioner to continue the practice of law in this State."

In passing, it may be mentioned that although the applicant in the case under consideration was not an attorney,

he

he, too, prepared false affidavits for the purpose of obtaining illegal exemptions under the German Foreign Exchange law.

In re Popper, 184 N.Y.S. 406, involved disbarment proceedings against an attorney who was charged with having given false testimony when a witness before a naval court martial. The Supreme Court of New York upheld the order of disbarment and cited with approval the following excerpt from Percy's Case, 36 N.Y. 651:

> "'It is true that, to warrant a removal, the character must be bad in such respects as shows the party unsafe and unfit to be intrusted with the powers of the profession. There are many vices, that render the character more or less bad, that have no such tendency. But a want of credibility upon oath does not come within this class. When there can be no reliance upon the word or oath of a party, he is manifestly disqualified, and, when such fact satisfactorily appears, the court not only have the power, but it is their duty, to strike the party from the roll of attorneys.'"

Continuing, the Court said:

> "For the giving of false testimony and the making of false affidavits this court has disbarred attorneys in the following cases: Matter of Klatzkie, 142 App. Div. 352, 126 N.Y. Supp. 842; Matter of Gotthein, 153 App. Div. 779, 138 N.Y. Supp. 636; Matter of Smith, 148 App. Div. 291, 132 N.Y. Supp; Matter of Levine, 148 App. Div. 296, 132 N.Y. Supp. 124; Matter of Nichols, 165 App. Div. 901, 149 N.Y. Supp. 1099; Matter of Zatulove, 156 App. Div. 79, 141 N.Y. Supp. 75.
>
> "The giving of false testimony strikes at the very heart of the judicial system. That an officer of the court should countenance it in another is intolerable. That he should himself be guilty of such

> such an offense against good morals and the public weal is not to be condoned. By such conduct he has forfeited the confidence of the court and his right to its continued certificate of good character and integrity. While the acts done were not done in his capacity as an attorney, they evidence such moral obliquity as warrants the court in saying that he no longer possesses that good character which is essential to his continuance in an honorable profession."

In the case of In re Klatzkie, 126 N.Y.S. 842, an attorney was charged with "wilful false swearing in his testimony in a municipal court in behalf of a client". Speaking for the Supreme Court of New York, Judge Scott in his opinion said:

> "The respondent has been clearly shown to have been guilty of deliberate false swearing and of being wholly oblivious of the duties and obligations resting upon an attorney. He is certainly unfit to remain a member of the bar, and must be disbarred."

In the case of In re Zatulove, 141 N.Y.S. 75, an attorney made false statements in an affidavit submitted to the Board of Law Examiners of New York for the purpose of enabling an individual to qualify to take the State Bar examination. Disbarment proceedings were instituted against the maker of the affidavit and he was disbarred. The court in its opinion said:

> "We have constantly called to our attention the fact that affidavits presented to the court are signed and verified with a reckless disregard of the truth of the facts contained in them, and certainly it is no light offense for an attorney and officer of the court to swear to a fact as

true

> true which was not true, and he cannot escape from the effect of the offense by saying that he signed the paper without reading it or without knowing its contents. Attorneys at law, being officers of the court, must understand that they are responsible for the truth of what they assert in affidavits; and, if they deliberately swear to an affidavit which is false, it is an offense which cannot be condoned and which cannot be explained."

In the case of State v. Woerndle, 220 P. 744, the Supreme Court of Oregon stated that the defendant, an attorney, had filed a false affidavit with the Secretary of State in order to procure a passport, which he intended for the use of another. The court concluded that the attorney must be disbarred and said that trustworthy lawyers do not make false oaths.

In re Hopkins, 103 P. 805, was a case involving disbarment proceedings against an attorney who, while acting as a notary public falsely certified to affidavits to be used in the prosecution of pension claims, he having knowingly certified in his jurat and certificate that certain affiants and certifying witnesses had each personally appeared before him, been sworn, and acknowledged the execution of their affidavits when in truth such affiants and certifying witnesses never at any time had appeared before him. The court, in affirming the disbarment of the attorney on the ground that he had been convicted(1) of a crime involving moral turpitude, said: "Now,

(1) He had been previously convicted in a Federal court under Rev. St. U.S. Sec. 4746 for his false certifications and statements described above.

> "Now, do the acts found against the appellant, and for which he was convicted in the federal court, violate the commonly accepted standard of good morals, honesty, and justice? Suppose we measure his conduct in this regard, not by any puritanical standard, but by the standards of right conduct generally prevailing among our people, uninfluenced by the fact that the statute law also punishes such conduct as a crime. What, then, is the answer to the question whether or not such acts involve moral turpitude? It seems to us that there can be but one answer, and that is against the contention of the learned counsel for appellant. Certainly a false statement, made with full knowledge of its falsity, concerning a matter of serious moment, the purpose of which is to influence those in authority in determining their official acts, involves a question of morals, whether such statement be made under the sanctity of an oath to speak the truth or under the sanctity of official obligation to speak the truth. This presents a question of right conduct from a purely moral standpoint, independent of the fact that the law prescribes a punishment for the making of such false statements. 'Thou shalt not bear false witness' was not only one of the ten commandments of the Mosaic law, but finds sanction in the teachings of Jesus as a standard of right under the new dispensation. Indeed, this standard of right seems to be a part of the moral consciousness of the race, and to be recognized by all peoples with any appreciation of moral ideals."

Let us now consider the following cases of a general nature, which are considered pertinent: Williams v. Commonwealth, 68 S.W. 871, was a case involving an indictment under Kentucky Statute, Sec. 1174, for false swearing in which the defense of drunkenness was interposed. The Court of Appeals said that "the crime of false swearing is [was] committed under the statute[1] when the defendant 'shall wilfully and knowingly swear, depose

---

(1) The full text of Section 1174 is as follows: "If

depose or give in evidence that which is false...!" It was added that "The corrupt intent to swear falsely is the gist of the offense no less than of the crime of perjury."

In Riley v. Wallace, 222 S.W. 1085, a case in which a petition was sought to restrain the entry of an order punishing petitioners for contempt of court arising out of the giving of false testimony to the court, there was cited with approval the following quotation from 13 C.J. 25:

> "Ordinarily false swearing by a witness is held to be such an obstruction of justice as to constitute a direct contempt of court."

Although the petition was granted, the court said:

> "The practice of attempting to secure court judgments upon false or fraudulent testimony should not and will not be tolerated, nor would we be understood as sanctioning such practice, or any semblance thereof, because it is deserving of the severest condemnation and censure."

In

---

(1) Cont'd

> "If any person, in any matter which is or may be judicially pending, or which is being investigated by a grand jury, or on any subject in which he can be legally sworn, or on which he is required to be sworn, when sworn by a person authorized by law to administer an oath, shall wilfully and knowingly swear, depose or give in evidence that which is false, he shall be confined in the penitentiary not less than one nor more than five years."

In Edenfield v. United States, 79 F.(2d) 515, a case in which an alien had been convicted of knowingly aiding a person not entitled thereto to apply for or secure naturalization by making false statements regarding the applicant's name and entry, the court said that

> "Although the appellant's crime did not involve perjury, it necessarily involved aiding the applicant to commit a fraud upon the government and giving such aid knowingly. Criminal frauds with respect to property have universally, so far as we are advised, been deemed to involve moral turpitude. United States ex rel. Medich v. Burmaster, 24 F.(2d) 57 (C.C.A. 8); United States ex rel. Millard v. Tuttle, 46 F.(2d) 342 (D.C. La.); Ponzi v. Ward, 7 F. Supp. 736 (D.C. Mass.). That the fraud relates to obtaining rights of citizenship rather than to property does not, we think, make it any the less contrary to community standards of honesty and good morals. In our opinion the inherent nature of the offense of fraudulently aiding an alien not entitled to naturalization to apply for or obtain citizenship involves the moral turpitude requisite for deportation. Compare In re O'Connell, 184 Cal. 584, 194 P. 1010; In re Hofstede, 31 Idaho, 448, 173 P. 1087; In re Peters, 73 Mont. 284, 235 P. 772."

The ultimate question to be resolved may be boiled down to this--are we to adopt in this and similar cases the maximum requirements of common law perjury in determining whether moral turpitude is involved or are we to adopt the minimum requirements of let us say the criminal statute of Vermont defining statutory perjury as follows:

"A

"A person of whom an oath is required by law, who wilfully swears falsely in regard to any matter or thing respecting which such oath is required, shall be guilty of perjury..."(See supra, p. 7).

It is believed that moral turpitude is involved in a conviction either of common law or statutory perjury, (1) although in the latter conviction the individual may not have sworn falsely to a material matter.

G.H.

The main objection, it seems to me, in refusing to adopt the minimum requirements of statutory perjury as for example set out in the aforementioned Vermont criminal statute is that such a statutory provision does not prevail "in the United States as a whole". (See 37 Op. Atty. Gen. 294). Yet, as we have seen from the foregoing "insurance", "disbarment" and general cases and authorities, false swearing is reprehensible and obliquitous. Under the authority of these cases, and considering that article 156 of the German Criminal Code, of which the alien was convicted, is situated within the chapter in the German Criminal Code headed "Perjury", and, furthermore, considering that the Attorney General's opinion of October 13, 1933 (supra) permits of doubt in construing the

---

(1) The alien's conviction in this case would amount to statutory perjury under the laws of some of the states.

the law it is recommended that the questions raised by this memorandum be submitted to the Attorney General for an opinion.

811.111 Rahn, Alfred

Le:GSK:GMH:SRW:SS

the law it is recommended that the questions raised by this memorandum be submitted to the Attorney General for an opinion.

811.111 Rahn, Alfred

Le:GSK:GMH:SRW:SS

DEPARTMENT OF STATE

THE LEGAL ADVISER

November 16, 1938

Does conviction, under Article 156 of the German Criminal Code, of making a false statement in an affirmation or in a declaration made in pursuance of an affirmation, exclude an alien from the United States under Section 3 of the Immigration Act of 1917?

VD

Mr. Warren

Case of Alfred Rahn

VISA DIVISION
NOV 16 1938
Department of State

Dear Mr. Warren:

When this case was first brought to my attention it appeared to me that it would be desirable to submit the legal question involved in it to the Attorney General. The attached memorandum was prepared by Mr. Knight with a view to such submission. However, after giving the matter further consideration, it appears to me that it would be useless to submit the question to the Attorney General until we obtain information as to the scope of Article 156 of the German Criminal Code, that is, whether it relates only to false statements in regard to material matters or is also applicable to false statements in regard to immaterial matters.

As shown in the attached memorandum, the statutes of the various States of the Union differ with regard

to

811.111 RAHN, ALFRED
IMMIGRATION

to punishing false swearing, some of them being applicable only to false statements concerning material matters while others are applicable also to false statements concerning immaterial matters.

If the Consul General ascertains and informs the Department that the statute in question relates only to false statements concerning material matters, it is believed that it will be necessary to hold that Alfred Rahn was guilty of an offense equivalent to the offense of perjury in the United States, which would make him subject to exclusion upon the ground that he was convicted of an offense involving moral turpitude. This is believed to be true notwithstanding the fact that Article 156, according to the translation furnished by the Department's translator, relates to solemn affirmations and not to statements made under "oath", according to the usual acceptation of that term. Article 153, on the other hand, does appear to relate expressly to false statements made under "oath". Such false statements appear to be regarded as especially serious, since they are punishable by imprisonment up to ten years, whereas offenses under Article 156 are punishable by imprisonment from one month to three years.

If, on the other hand, the Consul General informs the Department that Article 156 penalizes false statements

ments concerning immaterial matters, as well as those concerning material matters, it may be necessary to present the question to the Attorney General for an opinion.

As you know, the courts in this country have held that, in determining the question whether an offense of which a person has been convicted involves moral turpitude, it is not permissible to examine into the peculiar facts and circumstances in which the offense was committed with a view to determining whether the person in question had an evil intent when he committed the offense. For example, in the case of a person who has been convicted of theft of food, it would not be permissible to consider evidence showing that he was in dire circumstances and was in sore need of the food.

It may follow from these decisions that it is not permissible, in case Article 156 of the German Criminal Code applies equally to material and immaterial statements, to consider in which class the particular offense belongs. It is evident that this is not precisely the same thing as going into the question of attendant facts and circumstances which might seem to mitigate an offense on the one hand, or aggravate it on the other.

This whole problem is exceedingly involved and difficult. It may be presented in numerous other cases,

especially

especially cases arising in Germany in connection with the persecution of Jews. If we do not decide to submit the question formally to the Attorney General for an opinion, I think it would be desirable at least to discuss it with some of the legal officers in the Criminal Division of the Department of Justice. However, as indicated above, I think that we should obtain more information in regard to the scope of the German law in question before going any further.

While the case now under consideration, that of Alfred Rahn, relates to a conviction under Article 156 of the German Criminal Code, it seems desirable at the same time to obtain information concerning the scope and meaning of Article 153 of the same code. I have drafted the attached telegram to the Consul General at Berlin accordingly.

Richard W. Flournoy

811.111 Rahn, Alfred

Le:RWF:FMB:SS RWF

PREPARING OFFICE
WILL INDICATE WHETHER
Collect
Charge Department ✓
OR
Charge to
$

TELEGRAM SENT

Department of State

TO BE TRANSMITTED
CONFIDENTIAL CODE
NONCONFIDENTIAL CODE
PARTAIR
PLAIN

Washington,

1938 NOV 17 PM 6 26

November 17, 1938.
7 PM

AMERICAN CONSUL

BERLIN (GERMANY).

This cable is [illegible] Code
It should be [illegible]
being communicated [illegible]

✓

See Article 156, German Criminal Code, which penalizes the making of false statements in an affirmation before an appropriate authority or in a declaration relating to such an oath. Ascertain and report whether this Article relates only to false statements concerning material matters or whether it is also applicable to false statements concerning immaterial matters. Also ascertain and report whether Article 153 of the same code is applicable to false statements concerning immaterial matters, as well as those concerning material matters. Reply briefly by telegraph and fully in writing.

Hull
(Sec)

811.111 Rahn, Alfred

Le:RWF:FMB:SS RWF

CONF.
V. D.

CR
NOV 17 1938. PM

Enciphered by .....

Sent by operator ..... *M.*, ..., *19*....., ...

D. C. R.—No. 50

1—1462 U. S. GOVERNMENT PRINTING OFFICE

811.111 RAHN, ALFRED

C

BEST COPY AVAILABLE

DEPARTMENT OF STATE

THE LEGAL ADVISER

VISA DIVISION
RECEIVED
Department of State

November 18, 1938.

La
V. D.

Mr. Hackworth:

Mr. Ramsey

Visa Application of Mr. Alfred Rahn

After you had referred Mr. Max Rahn, brother of Alfred Rahn, and his attorney, Mr. Ramsey, to me yesterday I discussed the case of Alfred Rahn with them at considerable length. Mr. Max Rahn's principal argument was that his brother is an honorable man with a good record and would not intentionally make false statements. In this connection he said that the affirmation made by his brother before the German authorities, which resulted in his brother's prosecution, conviction and imprisonment upon the ground that it contained false statements concerning the amount of his property in Germany, was in fact prepared by a so-called "trustee", upon whom Mr. Rahn felt he could rely. It appears that in the preparation of the statement in question Mr. Rahn and his trustee used the statement concerning his property which had been prepared at the end of the year 1936, whereas certain changes had occurred subsequent to its preparation, particularly with regard to the liquidation of certain property.

00-----RAHN, ALFRED-----M/R

BEST COPY AVAILABLE

property. Mr. Max Rahn argued that the changes in question were immaterial, since the total amount of the property at the time when the examination was made was practically the same as that which was set forth in the declaration made at the end of the year 1936. He said that he had obtained this information from a letter from his brother's wife. I told him that if he cared to submit that letter it would be duly considered, although I was not prepared to say whether it would affect the Department's conclusions.

Mr. Max Rahn informed me that his brother had been imprisoned in February 1938 for a term of fourteen months, although he added that for some reason the term would normally expire, under the German law, in March 1939, that is, at the end of thirteen months from the time of the imprisonment. He also stated, however, that he had recently received a telegram from his brother's wife which he interpreted to mean that his brother would be released from imprisonment in the near future if the German authorities should receive information that he would be able to obtain an immigration visa, with which he could leave Germany and come to this country.

I told Mr. Max Rahn and his attorney that the Department was endeavoring to obtain more definite information through the Consulate General at Berlin concerning the

scope

scope and meaning of Article 156 of the German Criminal Code under which Alfred Rahn was convicted, in order that the Department might be in a position to decide whether the crime of which he was convicted was one involving moral turpitude, according to the standards recognized in the United States. I said that we hoped to obtain this information in a few days. I understand that the Department's telegram went out last night, and I assume that we will have a reply in the early part of next week.

This case is unusually difficult, and the decision in it will furnish an important precedent. On the one hand, it is hardly possible to ignore the extraordinary situation in which the Jews in Germany are now placed. The persecution which they are suffering naturally evokes sympathy, and from one point of view might be regarded as mitigating offenses which they commit with a view to circumventing to some extent the harsh measures imposed upon them by the German authorities. On the other hand, if the offense of which Mr. Rahn was convicted was clearly tantamount to perjury, it is difficult to see how the Department could properly authorize the issuance to him of an immigration visa.

Upon the receipt of a reply from the Consul General

at

at Berlin this case will be given further consideration. It may be found necessary to refer the question to the Attorney General, although, in view of the apparent urgency it is to be hoped that this necessity will not arise.

Le:RWF:DKP:SS

V. D.

November 18, 1938.

L.L
Mr. Hackworth:
V.D.
Mr. Warren: Visa Application of Mr. Alfred Rahn

After you had referred Mr. Max Rahn, brother of Alfred Rahn, and his attorney, Mr. Ramsey, to me yesterday I discussed the case of Alfred Rahn with them at considerable length. Mr. Max Rahn's principal argument was that his brother is an honorable man with a good record and would not intentionally make false statements. In this connection he said that the affirmation made by his brother before the German authorities, which resulted in his brother's prosecution, conviction and imprisonment upon the ground that it contained false statements concerning the amount of his property in Germany, was in fact prepared by a so-called "trustee", upon whom Mr. Rahn felt he could rely. It appears that in the preparation of the statement in question Mr. Rahn and his trustee used the statement concerning his property which had been prepared at the end of the year 1936, whereas certain changes had occurred subsequent to its preparation, particularly with regard to the liquidation of certain property.

property. Mr. Max Rahn argued that the changes in question were immaterial, since the total amount of the property at the time when the examination was made was practically the same as that which was set forth in the declaration made at the end of the year 1936. He said that he had obtained this information from a letter from his brother's wife. I told him that if he cared to submit that letter it would be duly considered, although I was not prepared to say whether it would affect the Department's conclusions.

Mr. Max Rahn informed me that his brother had been imprisoned in February 1938 for a term of fourteen months, although he added that for some reason the term would normally expire, under the German law, in March 1939, that is, at the end of thirteen months from the time of the imprisonment. He also stated, however, that he had recently received a telegram from his brother's wife which he interpreted to mean that his brother would be released from imprisonment in the near future if the German authorities should receive information that he would be able to obtain an immigration visa, with which he could leave Germany and come to this country.

I told Mr. Max Rahn and his attorney that the Department was endeavoring to obtain more definite information through the Consulate General at Berlin concerning the

scope

scope and meaning of Article 156 of the German Criminal Code under which Alfred Rahn was convicted, in order that the Department might be in a position to decide whether the crime of which he was convicted was one involving moral turpitude, according to the standards recognized in the United States. I said that we hoped to obtain this information in a few days. I understand that the Department's telegram went out last night, and I assume that we will have a reply in the early part of next week.

This case is unusually difficult, and the decision in it will furnish an important precedent. On the one hand, it is hardly possible to ignore the extraordinary situation in which the Jews in Germany are now placed. The persecution which they are suffering naturally evokes sympathy, and from one point of view might be regarded as mitigating offenses which they commit with a view to circumventing to some extent the harsh measures imposed upon them by the German authorities. On the other hand, if the offense of which Mr. Rahn was convicted was clearly tantamount to perjury, it is difficult to see how the Department could properly authorize the issuance to him of an immigration visa.

Upon the receipt of a reply from the Consul General

at

at Berlin this case will be given further consideration. It may be found necessary to refer the question to the Attorney General, although, in view of the apparent urgency it is to be hoped that this necessity will not arise.

Le:RWF:DKP:SS

Intentional Second Exposure

at Berlin this case will be given further consideration. It may be found necessary to refer the question to the Attorney General, although, in view of the apparent urgency it is to be hoped that this necessity will not arise.

Le:RWF:DKP:SS

TELEGRAM RECEIVED

1—1336

FROM

NC
This telegram must
be closely paraphrased
before being communicated
to anyone. (BR)

BERLIN

Dated November 19, 1938

Rec'd 9:22 a.m.

VISA DIVISION
DEPARTMENT OF STATE

Secretary of State

Washington

November 19, 2 p.m.

Department's November 17, 7 p.m.

According to legal advice both Article 153 and Article 156 of German criminal code make false declarations punishable offense even if such false declarations relate only to immaterial matters. A condition for punishment is, however, that premeditation or negligence exist. An error generally precludes false declarations.

In accordance with Article 153 German criminal procedure code, paragraph 2, the state attorney may refrain from prosecuting cases falling under Article 156 of criminal code.

GEIST

GW
WWC

811.111 RAHN, ALFRED
IM/R

THE
NATIONAL ARCHIVES
OF THE
UNITED STATES

NO. 2395

AMERICAN CONSULATE GENERAL,

Berlin, Germany, November 21, 1938

Copy sent Ofr Attys. Gen. 12-16-38

RECEIVED
DEPARTMENT OF STATE
1938 DEC 12 PM 2 12
DIVISION OF CLASSIFICATION AND RECORDS

SUBJECT: False Statements Relating to Immaterial Matters Punishable under German Criminal Code.

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.

811.111 Rahn, Alfred

SIR:

I have the honor to acknowledge the receipt of the Department's telegram of November 17, 7 p.m., instructing the Consulate General to report as to whether under Article 153 and Article 156 of the German Criminal Code false statements as to immaterial matters as well as to material matters are punishable offenses.

FILED
DEC 20 1938

In reply I have the honor to refer to my telegram of November 19, 2 p.m. which reads as follows:

> "Department's November 17, 7 p.m. According to legal advice both Article 153 and Article 156 of German Criminal Code make false declarations punishable offense even if such false declarations relate only to immaterial matters. A condition for punishment is, however, that premeditation or negligence exist. An error generally precludes punishment.
>
> "In accordance with Article 153 German Criminal Procedure Code paragraph 2 the State Attorney may refrain from prosecuting cases falling under Article 156 of Criminal Code".

This information was furnished by the Berlin law

811.111 RAHN, ALFRED

THE NATIONAL ARCHIVES OF THE UNITED STATES

1/ law office of Mr. Frederick Wirth, Jr. A copy and
2/ translation of the memorandum in the premises are transmitted herewith. As the Department will note from the telegram, while such false declarations (even as to immaterial matters) constitute a punishable offense, a condition for punishment is "that premeditation or negligence exist" and that "an error generally precludes guilt and punishment".

With respect to the felony defined in Article 153 of the Criminal Code, it will be seen from the enclosed memorandum that one commentator (Dr. Otto Schwarz) cites decisions of the German Supreme Court in support of his statement that "no distinction is to be made between essential and incidental points". Another commentator (Prof. Reinhold Frank) also cites that court's decisions in support of the following statement:

> "The question is much discussed whether a distinction is to be made between essential points (principal matters) and incidental points (incidental matters) in the sense that a false oath would be punishable only in so far as it relates to an essential point. The answer is definitely in the negative".

In connection with the misdemeanor provided for in Article 156 of the Criminal Code, the commentator Ebermayer cites decisions of the German Supreme Court in support of the following:

> "No distinction is to be made between material and immaterial parts. In particular, it cannot depend on whether a person swearing considers that he is not obliged to tell the truth regarding an individual point because he regards it as immaterial".

However,

However, it should be noted that the German Code of Criminal Procedure (Article 153) provides that "if in a misdemeanor [such as the offense provided for in Article 156 of the Criminal Code] the guilt of the offender is slight and if the consequences of the offense are unimportant, the Prosecutor may, with the concurrence of the district judge, waive public prosecution". It is understood that persons are rarely prosecuted for the misdemeanor defined in Article 156 of the Criminal Code when the false statements made relate only to immaterial matters.

Respectfully yours,

Raymond H. Geist
American Consul

Enclosures:
1. Copy of memorandum;
2. Translation of same.

To the Department in quintuplicate;
Copy to the Embassy, Berlin.

804.14
CJW/mc

Enclosure No. 1 to Despatch No. 1195 of November 21, 1938, from Consul Raymond H. Geist, Berlin, subject: FALSE STATEMENTS RELATING TO IMMATERIAL MATTERS PUNISHABLE UNDER GERMAN CRIMINAL CODE.

COPY

Literatur und Rechtsprechung
- - - - - - - - - - - - - - - - -

Zu der Frage, ob auch unwesentliche Unrichtigkeiten bei einer falschen Eidesgabe bezw. eidesstattlichen Versicherung strafbar sind:

1. Strafgesetzbuch, Beck'scher Kurzkommentar Band 10 von Dr. Otto Schwarz, Berlin 1938.

Zu § 153 Anmerkung B 2
"Zwischen Kern- und Nebenpunkten ist nicht zu unterscheiden."
Reichsgericht Strafsachen Bd. 63 Seite 49

"Ebenso sind auch "Unerheblichkeiten" massgebend."
Reichsgericht im Urteil vom 29.9.1933
Aktenzeichen: 4 D 53/33

2. Kommentar von Prof. Reinhold Frank Das Strafgesetzbuch für das Deutsche Reich, 18. Auflage

Zu § 153 Anmerkung III 1
"Viel besprochen ist die Frage, ob zwischen Kernpunkten (Hauptsachen) und Nebenpunkten (Nebensachen) in dem Sinne zu unterscheiden ist, dass der falsche Eid nur insoweit strafbar wäre, als er sich auf einen Kernpunkt bezieht. Die Frage ist grundsätzlich zu verneinen."

Reichsgericht Str. Bd. 6 Seite 619, Bd. 19 S. 344, Band 60 Seite 78.

3. Kommentar zum Reichs-Strafgesetzbuch mit besonderer Berücksichtigung der Rechtsprechung des Reichsgerichts von Ebermayer, 4. Auflage 1929.

Zu § 153 Anmerkung 4
"Zwischen wesentlichen und unwesentlichen Bestandteilen ist nicht zu unterscheiden. Es kann insbesondere nicht darauf ankommen, ob der Schwörende hinsichtlich einzelnen Punktes eine Wahrheitspflicht nicht für gegeben erachtet, weil er ihn für unwesentlich hielt."
Reichsgericht in Strafsachen Band 10, 338, Band 46 Seite 142, Band 17 Seite 185, unveröffentlicht Entscheidung vom 29.4.34 in Sachen I 406 aus 24.

Zu

Zu 156 Anmerkung 3

"Darüber, wann die Versicherung falsch abgegeben ist, vgl. §§ 153 Anm. 4".
Die dortige Rechtsprechung ist also auch für §§ 156 massgeblich. Das bedeutet: auch die folgenden Entscheidungen gelten für § 156 wie auch für §§ 153.

Reichsgericht Strafsachen Bd. 17 Seite 185
Band 10 Seite 338, Band 21 Seite 220,
Jur. Wochenschrift 1913 Seote 935.

4. J. von Olshausen's Kommentar zum Strafgesetzbuch, 11. Auflage 1927 und Ergänzungsband hierzu, bearbeitet von Dr. Hans Freisleben 1936.

zu § 153 Anm. 4 c

"Zwischen wesentlichen und unwesentlichen Punkten ist nicht zu unterscheiden; so die herrschende Meinung".
Reichsgericht in Strafsachen Bd.10 Seite 338
Band 6 Seite 619, Band 46 Seite 142.

Weitere Erläuterungen bringt der Ergänzungsband von Dr. Freisleben auf Seite 159 im gleichen Sinne, ferner Entscheidung: Reichsgericht Bd. 63 Seite 49.

- -

In der Strafprozessordnung - zufällig auch §§ 153, heisst es:

"Ist bei einem Vergehen die Schuld des Täters gering und sind die Folgen der Tat unbedeutend, so kann die Staatsanwaltschaft mit Zustimmung des Amtsrichters von der Erhebung der öffentlichen Klage absehen.

Ist die Klage bereits erhoben, so kann das Gericht mit Zustimmung der Staatsanwaltschaft einstellen. Der Beschluss kann nicht angefochten werden."

Diese Bestimmung findet jedoch nur auf "Vergehen" Anwendung, das sind nach § 1 Abs. 2 des Strafgesetzbuches solche Straftaten, die nur mit Gefängnis oder mit Geldstrafe von mehr als RM 150.- oder mit Geldstrafe allein bestraft werden. Das trifft für die falsche eidesstattliche Versicherung, die mit Gefängnis von einem Monat bis zu drei Jahren bestraft wird, zu. Es trifft nicht zu für den Meineid des §§ 153, weil dieser mit Zuchthaus bis zu 10 Jahren bestraft wird. Meineid ist nach §§ 1 Absatz 1 ein Verbrechen und fällt daher nicht unter die Bestimmung des § 153 Strafprozessordnung.

Enclosure No. 2 to Despatch No. 1195 of November 21, 1938, from Consul Raymond H. Geist, Berlin, Germany, subject: FALSE STATEMENTS RELATING TO IMMATERIAL MATTERS PUNISHABLE UNDER GERMAN CRIMINAL CODE.

TRANSLATION

Literature and Court Decisions
- - - - - - - - - - - - - - - - - -

On the question whether immaterial inaccuracies in a false oath or affirmation are also punishable:

1. Strafgesetzbuch, Beck'scher Kurzkommentar (Criminal Code, Beck Short Commentary), Vol. 10, by Dr. Otto Schwarz, Berlin, 1938.

Note B 2 on Art. 153
"No distinction is to be made between essential and incidental points".
Reichsgericht Strafsachen (German Supreme Court Criminal Cases), Vol. 63, p. 49

"'Irrelevancies' are likewise to be considered."
German Supreme Court decision of September 29, 1933, File No. 4 D 53/33

2. Kommentar von Prof. Reinhold Frank Das Strafgesetzbuch für das Deutsche Reich (Commentary of Prof. Reinhold Frank The Criminal Code of the German Reich), 18th Edition

Note III 1 on Art. 153
"The question is much discussed whether a distinction is to be made between essential points (principal matters) and incidental points (incidental matters) in the sense that a false oath would be punishable only in so far as it relates to an essential point. The answer is definitely in the negative."

Reichsgericht Strafsachen (German Supreme Court Criminal Cases), Vol. 6, p. 619; Vol. 19, p. 344; Vol. 60, p. 78.

3. Kommentar zum Reichs-Strafgesetzbuch mit besonderer Berücksichtigung der Rechtsprechung des Reichsgerichts (Commentary on the Reich Criminal Code with Special Regard to Decisions of the German Supreme Court), by Ebermayer, 4th Edition, 1929.

Note 4 on Art. 153
"No distinction is to be made between material and immaterial parts. In particular, it cannot

depend

depend on whether a person swearing considers that he is not obliged to tell the truth regarding an individual point because he regards it as immaterial."

Reichsgericht in Strafsachen (German Supreme Court Criminal Cases), Vol. 10, p. 338; Vol. 46, p. 142; Vol. 17, p. 185; unpublished decision of April 29, 1934, in Case I 406 ex 24.

Note 3 on 156

"For when the affirmation has been falsely given, see Art. 153 note 4".
Thus the court decisions given there are likewise applicable to Art. 156. This means that the following decisions likewise apply to Art. 156 as well as Art. 154.

Reichsgericht Strafsachen (German Supreme Court Criminal Cases), Vol. 17, p. 185; Vol. 10, p. 338; Vol. 21, p. 220; Juristische Wochenschrift (Legal Weekly), 1913, p. 935.

4. J. von Olshausen's Kommentar zum Strafgesetzbuch (Commentary on the Criminal Code), 11th Edition, 1927, and supplementary volume thereto, edited by Dr. Hans Freisleben, 1936.

Note 4 c on Art. 153

"No distinction is to be made between material and immaterial points; this is the prevailing opinion".

Reichsgericht in Strafsachen (German Supreme Court Criminal Cases), Vol. 10, p. 338; Vol. 6, p. 619; Vol. 46, p. 142.

Further discussion in the same sense is given in the supplementary volume of Dr. Freisleben, p. 159; also decision: Reichsgericht (German Supreme Court), Vol. 63, p. 49

- -

In the Strafprozessordnung (Code of Criminal Procedure) - by chance also Art. 153, it says:

"If in a misdemeanor the guilt of the offender is slight and if the consequences of the offense are unimportant, the Prosecutor may, with the concurrence of the district judge, waive public prosecution.

"If

"If prosecution has been started, the Court may, with the concurrence of the Prosecutor, suspend it. This decision cannot be contested."

This rule, however, applies only to "misdemeanors", i.e., those penal offenses according to Art. 1 par. 2 of the Strafgesetzbuch (Criminal Code) which are punished only by imprisonment or a fine of more than RM 150 or only by a fine. This is the case with false affirmations, for which the penalty is imprisonment of from one month to three years. It is not the case with perjury under Art. 153, since this is punished by penal servitude up to ten years. According to Art. 1 par. 1 perjury is a felony and hence does not come under the rule of Art. 153 of the Code of Criminal Procedure.

DEPARTMENT OF STATE

THE LEGAL ADVISER

DEPARTMENT OF STATE
RECEIVED
DIVISION OF
COMMUNICATIONS AND RECORDS

November 23, 1938.

VISA APPLICATION OF ALFRED RAHN

This afternoon I discussed the case of Alfred Rahn with Mr. B. W. Butler of the Department of Justice, with reference to the information contained in the telegram (811.111 Rahn, Alfred/) of November 19, 1938, from the Consul General at Berlin, that is, that false declarations are punishable under Article 156 of the German Criminal Code regardless of whether they relate to material matters.

I told Mr. Butler that we had been uncertain whether, in view of the information just mentioned, we should hold that Mr. Rahn had been convicted of an offense involving moral turpitude within the meaning of section 3 of the Immigration Act of February 5, 1917. I mentioned the theory which has been advanced to the effect that, since false statements in formal declarations made before officials are punishable under Article 156 of the German Criminal Code, even though such statements related to immaterial matters, it is impossible to hold that convictions under this statutory provision are offenses involving moral turpitude. However, I also

mentioned

mentioned the fact that the opinion of the German judge explaining the judgment of the District Court at Fuerth, Bavaria, February 2, 1938, in which Alfred Rahn was convicted under Article 156 of the German Criminal Code, discussed at considerable length the false statement made by Mr. Rahn, and showed that its object was to deceive the German officials and make it possible for him to take German marks out of the country surreptitiously, in violation of the German law. I observed that it was thus entirely clear that the false statement in this case was not immaterial. In this connection I also mentioned certain decisions of courts in the United States concerning the meaning and application of the provision in section 3 of the Immigration Act of 1917 excluding aliens convicted of offenses involving moral turpitude, and in particular certain decisions in which it was held that a conviction of assault and battery with intent to kill should be regarded as a conviction of an offense involving moral turpitude, even though the applicable statute also provided for punishment of other kinds of assault and battery which did not involve moral turpitude.

Mr. Butler expressed the view that it would be impossible to hold that the offense of which Mr.Rahn was convicted was not one involving moral turpitude.

He

He observed that the offense of which he was convicted involved the element of fraud, which fact seems to necessitate holding that it was an offense involving moral turpitude. I remarked that the decision made in this case would be one of considerable importance, because of the likelihood that it would furnish a precedent for other similar cases. I said that we contemplated submitting the question formally in writing, and Mr. Butler said if we should do so it would receive careful attention.

Richard W. Flournoy

811.111 Rahn, Alfred/

Le-RWF:FGS

November 25, 1938.

DOES THE OFFENSE OF KNOWINGLY MAKING A FALSE AFFIRMATION BEFORE AN OFFICIAL, WHICH IS PUNISHABLE UNDER ARTICLE 156 OF THE GERMAN CRIMINAL CODE, INVOLVE MORAL TURPITUDE, WITHIN THE MEANING OF THE PROVISION OF SECTION 3 OF THE IMMIGRATION ACT OF FEBRUARY 5, 1917, WHEN THE RECORD OF THE CONVICTION SHOWS THAT THE FALSE STATEMENT RELATED TO A MATERIAL MATTER?

Case of Alfred Rahn

The facts of the instant case are as follows: On November 18, 1937 Alfred Rahn, his wife and child, were issued immigration visas at Stuttgart (see Consular telegram from Stuttgart dated January 11, 1938). These visas have expired, and they desire to obtain new visas. Subsequent to the issuance of the immigration visas, it appears that Alfred Rahn was convicted under Articles 34 and 43 of the German Foreign Exchange Law of February 4, 1935, and of Articles 73 and 156 of the German Criminal Code. Translations of all the foregoing articles are attached hereto as annexes. The American Consul at Stuttgart considered whether a conviction under Article 156 of the German Criminal Code aforementioned involved moral turpitude and reached the conclusion in a letter dated

August 25

August 25, 1938 to Frau Dr. Lilli Rahn that moral turpitude was involved in such a conviction, thereby rendering Mr. Rahn excludable from the United States.

Article 156 of the German Criminal Code, according to a translation of the Consul at Stuttgart, reads as follows:

> "Any person who gives evidence under oath before an appropriate authority and knowingly makes false statements or who, with reference to such oath, makes false statements, will be subject to a penalty of from one month to three years."

Article 156 of the German Criminal Code, according to a translation of the Translating Bureau, Department of State, is as follows:

> "Any person who knowingly makes a false affirmation before an official competent to take a solemn affirmation or knowingly gives false testimony, invoking such an affirmation, shall be punished by imprisonment for from one month to three years."

A translation of the judgment of the German Court of Assizes at the District Court in Fuerth, February 2, 1938, sets out that Mr. Rahn, preparatory to his intended departure from Germany for the purpose of coming to the United States, made an incomplete and incorrect accounting to the Foreign Exchange Office as to his assets, and that this incorrect information was given in the form of an affidavit. For clarification, the following excerpt from the above-mentioned judgment is quoted:

quoted:

> "The accused is therefore convicted of having rendered incomplete or incorrect informations to a foreign exchange office as to means of payment which were demanded of him by the foreign exchange office, in uniform persuance of such intention, and by the same action to have rendered knowingly a false affidavit before an authority competent for receiving such assurance." (Underscoring added.)

Further, the Court said, Mr. Rahn "had to stand fully convicted" of retaining 30,000 Reichsmarks "with the intention to take this ready cash abroad either in its full equivalent or converted into other easily hidden values, without the control of the foreign exchange office" and that he was "thereby also [convicted] of the intentional statement of an incomplete and incorrect information in joint action of knowingly rendering a false affidavit."

In a telegram of November 18, 1938, in reply to the Department's inquiry, the American Consul General at Berlin reported that according to legal advice both Article 153 and Article 156 of the German Criminal Code make false declarations punishable offenses even though they related to immaterial matters, although the condition for punishment is that premeditation or negligence exists.

The principal arguments submitted to the Department

in

in behalf of Alfred Rahn are as follows: (1) that Article 156 of the German Criminal Code relates to false statements made in a mere affirmation, that is, that it does not relate to false statements made under oath, which constitute perjury; (2) that Alfred Rahn, when he submitted to the German authorities the above-mentioned declaration containing a false statement concerning his property in Germany, did so under the advice of an "economic trustee", upon which he considsidered that he was justified in relying; (3) that since Article 156 of the German Criminal Code penalizes false statements made before officials, regardless of whether they relate to material or immaterial matters, this Government is not justified in examining into the facts in the case with a view to determining whether the statement in question was material, it being assumed that a false statement as to an immaterial matter could not reasonably be regarded as involving moral turpitude; (4) that the offense of which Rahn was convicted was political.

With reference to the first argument mentioned above, consideration will be given to the crime of perjury under the common law. Later the law on the subject of false swearing, which has been by statute designated as perjury, i.e. statutory perjury, will be discussed, and lastly, the law concerning false swearing

which

which has not been designated as perjury by a statute.

In Bishop's Criminal Law, Vol. 2, 9th ed., p. 760, it is stated that

> "Perjury is the wilful giving under oath, in a judicial proceeding or course of justice, of false testimony material to the issue or point of inquiry."

This is the common law definition of perjury. 48 C.J. 820 is confirmatory of this definition. A definition of substantially the same character is found in 21 R.C.L. 254, as follows:

> "Perjury is defined as the wilful and corrupt false swearing or affirming, after an oath lawfully administered, in the course of a judicial or quasi judicial proceeding as to some matter material to the issue or point in question."

Bishop, supra, p. 791, states that

> "There are statutes in most or all of our States defining this offence [perjury] or providing for its punishment. There are similar acts of Congress. None of these greatly modify the common law rules as explained..... Some of them increase its boundaries a little."

In Clark and Marshall, The Law of Crimes, 2d ed., p. 653, it is stated that perjury has been extended by statute, in most jurisdictions, to false swearing not in a judicial proceeding. (See also 21 R.C.L. 255-256.) In other jurisdictions perjury may be based upon false swearing to a fact which is not material to the issue or point of inquiry. (Ibid.; see also 48 C.J. 821.) That

is

is to say, perjury has been defined in various States by statutes (1) in the terms of common law perjury; (2) in the terms of common law perjury, with the exception that the false statement need not have been made in a judicial proceeding; (3) in the terms of common law perjury, except that the false statement need not have been made on a matter material to the issue or point of inquiry.

At this point attention is called to the following excerpt from 21 R.C.L., pp. 255-256:

> "...In a number of jurisdictions the common law offense of perjury has been extended and enlarged by statute to include wilful false swearing in regard to any matter or thing respecting which an oath is required or even authorized by law. In construing such a statute the courts say that in order to constitute the crime it is not made necessary by the statute either that the false oath should be taken in a matter judicially pending at the time or in a matter material to any point in question. The offense is complete if it be shown that the false oath was taken, knowingly and wilfully, on a subject on which one could be legally sworn and before a person legally authorized to administer the oath. In other words, the purpose of such a statute, the courts say, is to include, within the definition of the crime of perjury, the taking of any and every false and corrupt oath, unless it is purely voluntary and extrajudicial, in not being required, authorized, or permitted by any law that may be enforced or carried into effect or in not being necessary for the prosecution or defense of a private right, or for the ends of public justice wherever sought to be administered."

Let us examine some of the cases involving false

swearing

swearing which has been called perjury by statute. In the case of State v. Smith, 22 A. 604, involving an indictment for perjury, the Supreme Court of Vermont cited R.L. Vt., Sec. 4263, which reads:

> "A person of whom an oath is required by law, who wilfully swears falsely in regard to any matter or thing respecting which such oath is required, shall be guilty of perjury....."

The court said:

> "Section 4263 ... is a provision making that perjury which was not perjury at common law. This provision was evidently designed to cover the numerous instances where the statute requires a verification by oath in matters not connected with judicial proceedings."

Similarly, in the case of State v. Byrd, 4 S.E. 793, involving an indictment for perjury, the Supreme Court of South Carolina cited Section 2534, General Statutes of South Carolina, reading as follows:

> "Whoever shall wilfully and knowingly swear falsely, in taking any oath required by law, and administered by any person directed or permitted by law to administer such oath, shall be deemed guilty of perjury, and, on conviction, incur the pains and penalties of that offense",

and said:

> "'It will be observed that there is nothing in this act as to the necessity that the false swearing denounced should be material to the issue in a judicial proceeding.'"

The following excerpt from the opinion of the Supreme Court of Rhode Island in the case of State v. Miller,

Miller, 58 A. 882, is quoted:

> "'Every person of whom an oath or affirmation is or shall be required by law, who shall willfully swear or affirm falsely in regard to any matter or thing respecting which such oath or affirmation is or shall be required, shall be deemed guilty of perjury.' This language is very broad and comprehensive, and clearly indicates the intent of the Legislature to enlarge the scope of the crime of perjury as it exists at common law, and to make any willfully false swearing in judicial proceedings perjury, regardless of the question of its materiality to the issue; that is, in effect, to make it a statutory offense."

With respect to the offense of statutory false swearing which has not been labeled perjury by a statute, attention is invited to the case of Milstead v. Commonwealth, 51 S.W. 451. Judge Paynter, speaking for the Court of Appeals of Kentucky, said:

> "The indictment is for false swearing, based on section 1174, Ky. St., which reads as follows: 'If any person, in any matter which is or may be judicially pending, or which is being investigated by a grand jury, or on any subject in which he can legally be sworn, or on which he is required to be sworn, when sworn by a person authorized by law to administer an oath, shall willfully and knowingly swear, depose or give in evidence that which is false, he shall be confined in the penitentiary not less than one nor more than five years.' It was unnecessary to allege in the indictment that the testimony was material, as under this statute it is not necessary that the matter to which a witness testifies falsely should have been material, in order that he might be guilty under it."

Attention is here directed to the similarity between the language of the false swearing statute in the "Milstead" case, supra, and the language of the statutes in

in the cases of State v. Smith, State v. Byrd, and State v. Miller, supra, defining statutory perjury.

In summation, we may consider the following excerpt from 48 C.J. 820-821:

> "'Perjury' is often defined in the statutes, some of which have been judicially declared to be merely codifications of the common law. Where the statute prescribes a punishment for perjury without defining the offense, the common-law definition remains in effect. Many statutes define the term by enumerating the acts which shall constitute commission of the crime, including acts not within the common-law definition. Under varying statutory provisions it has been held that the intent of the legislature was to enlarge the scope of the common-law crime of perjury by eliminating the requirement of materiality of the statement, or the requirement that it be made in a judicial proceeding. Some statutes eliminate both the requirement of materiality and that of a judicial proceeding, and courts construing such statutes have indicated that such is their effect. Other statutes eliminate the requirement of a judicial proceeding but preserve that of materiality, the courts construing such statutes as making perjury the willful and corrupt assertion of a falsehood, under oath or affirmation administered by authority of law, in a material matter, the offense being enlarged and made to extend to other false oaths than those taken in the course of judicial proceedings. A third type of statute has been construed as preserving the requirement of a judicial proceeding but eliminating the requirement of materiality." (Underscoring added.)

Attention is drawn to the underscored sentence in the above-quoted statement. In this connection it is pertinent to observe that Jones may have been convicted in State Y of common law perjury and Smith in State Z of statutory perjury, the latter under a statute which did not

not require either that the false statement be made with respect to a fact material to the issue or point of inquiry or that it be made in a judicial proceeding. Yet in both cases there is a conviction of perjury. There appears to be no authority for holding that one of these convictions is less reprehensible from a moral standpoint than the other.

In view of the above it appears to be established that a false statement in a formal affirmation before an official of the Government is as reprehensible in the eyes of the law as is a false statement made under oath.

Attention has been called to the opinion of the Attorney General dated October 13, 1933 (37 Op. Att. Gen. 293). In that opinion it was stated:

> "Bearing particularly upon such cases, and illustrating the principles hereinbefore stated, those which arose out of violations of our immigration law, or the passport law of this or another country, and involve false swearing amounting to perjury, constitute offenses involving moral turpitude. This is not true, however, where the violation consisted merely of subterfuge or concealment of a fact upon entering the country, using a foreign passport belonging to a friend or relative as an unwise convenience, using a foreign passport issued in the name of another with probable purpose to evade peacetime military service, and such violation was not accompanied by false swearing. The basic difference is that the taking of a false oath is considered wrong independently of statute (Kaneda v. United States, 278 F. 694, 699), while the other offenses, though grave and properly penalized, cannot be said to possess the same

inherent

inherent baseness in the concept of our people. The Legal Adviser of your Department has reached like conclusions."

It will be noted the Attorney General stated that "those which [i.e. cases] arose out of violations of our immigration law, or the passport law of this or another country, and involve false swearing amounting to perjury, constitute offenses involving moral turpitude." Then, he said this was not true where the violations consisted merely of subterfuge or concealment of a fact upon entering the country, or using a foreign passport belonging to a friend or relative as an unwise convenience, or using a foreign passport issued in the name of another with probable purpose to evade peacetime military service and such violation "was not accompanied by false swearing". It was added that "the basic difference is that the taking of a false oath is considered wrong independently of statute....." The question arises as to whether this last statement must be qualified by the earlier statement, namely, that false swearing must amount to perjury to constitute an offense involving moral turpitude.

In view of the whole trend of the law in modern times in doing away with the strict limitations of the common law concerning the offense of perjury and in

assimilating

assimilating formal statements made before officials under affirmation to such statements made under oath, it seems reasonable to conclude that the Attorney General would have applied his above-quoted statement concerning a "false oath" to a false statement made by an official under affirmation, and would have held that the latter as well as the former involved moral turpitude. If this were not so persons who, because of religious convictions, declined to take oaths to statements before officials, and who are allowed to make such statements under affirmation would be able to escape the penalties of the statutes designed to punish persons for making false statements. Under article 155 of the German Criminal Code, an affirmation in such case is "equivalent to the taking of an oath". The punishable offense in all of these cases is against the state, although the sanction of the Deity is invoked in the usual form of oath.

The second of the arguments made in behalf of Alfred Rahn does not require extensive discussion. It is necessary to assume that the German court, when it convicted Mr. Rahn, did not consider that he was to be excused because of the fact that he had employed an "economic trustee" to assist in preparing his declaration. In other words, this Department would not be justified in

attempting

attempting to try the case anew and to determine whether the conviction of Mr. Rahn was warranted under the circumstances.

The third argument submitted in behalf of Mr. Rahn would seem to require more extensive consideration. In this connection mention might be made of the decisions of the courts in United States ex rel. Mylius v. Uhl, 203 Fed. 152, and 210 Fed. 860. Mylius had been convicted in England of a libel against the King. The District Court held that the offense of libel in general is not to be regarded as one involving moral turpitude, within the meaning of the Immigration Act of 1917, and that it was not permissible to take into account the unusual facts of the case in question, and in particular the fact that the person libeled was the King himself. The Circuit Court of Appeals in sustaining the judgment of the lower court said:

> "... A decision which makes the infamy of the libel dependent upon the rank of the person libeled cannot be defended either in law or ethics. If it would not involve moral turpitude to publish this libel of a field laborer in Devon or a street sweeper in London, it would not involve moral turpitude to publish it regarding the Lord Chancellor or even the King." (p. 862)

In summing up the court set forth the following conclusions:

"First.

"First. That the immigration officers act in an administrative capacity. They do not act as judges of the facts to determine from the testimony in each case whether the crime of which the immigrant is convicted does or does not involve moral turpitude.

"Second. That this question must be determined from the judgment of conviction and not from the testimony adduced at the trial.

"Third. That the law must be administered upon broad general lines and if a crime does not in its essence involve moral turpitude, a person found guilty of such crime cannot be excluded because he is shown, aliunde the record, to be a depraved person.

"Fourth. That the law must be uniformly administered. It would be manifestly unjust so to construe the statute as to exclude one person and admit another where both were convicted of criminal libel, because, in the opinion of the immigration officials, the testimony in the former case showed a more aggravated offence than in the latter.

"Fifth. That the crime of publishing a criminal libel does not necessarily involve moral turpitude. It may do so, but moral turpitude is not of the essence of the crime." (p. 863)

In behalf of Mr. Rahn mention might also be made of the decision in United States ex rel. Griffo v. McCandless, 28 F. (2d) 287, in which it was held that the conviction of an alien of the offense of "aggravated assault and battery" under the law of Pennsylvania did not justify deportation upon the ground that the crime in question involved moral turpitude, since assault and battery does not always involve moral turpitude, and there was nothing in the record of the conviction to show that in this

particular

particular case the assault and battery was to be regarded as unusually serious, that is, as an offense in which an evil intent necessarily existed. In the opinion in this case appears the following statement:

> "Three things must appear from the record. There must have been (1) a conviction; (2) the offense must have been of such gravity as to have called forth a sentence of a year's imprisonment; and (3) it must be one which in itself evidences 'moral turpitude.' Here the third element does not appear until extraneous evidence is produced. The moment it is presented, we have at once a controversy, which can be silenced only by applying the principle that the judgment is conclusive. We must apply it, but in doing so we shut out all evidence other than the record. Had Congress meant that the 'moral turpitude involved' should, aside from the nature of the crime charged, be presumed from the judgment of conviction and the imposition of the named sentence, there was no need to add the phrase. ..." (p. 388)

It is not at all clear that the cases just mentioned give support to the contention of Alfred Rahn, for, while they make it clear that moral turpitude is not to be imputed to an individual merely upon the basis of the peculiar circumstances under which his offense was committed, they do not hold that it is not permissible to examine the record of the conviction with a view to ascertaining the precise nature of the offense committed.

The criminal codes of foreign countries differ widely with regard to classification and arrangement of the

the offenses, and they do not coincide with the codes in effect in the various States in this country. Furthermore, the penal codes of the States of the Union also differ among themselves. While certain terms, such as murder, manslaughter, assault and theft, with their equivalents in foreign languages, are generally used, the codes of foreign countries and some States of the Union contain various subdivisions to fit the particular gradations of offenses under each of the main classes of crimes. An example is found in section 242 of the New York Penal Law, relating to assault in the Second Degree. This section divides such assaults into five classes, the last of which relates to the case of one who 'assaults another with intent to commit a felony, or to prevent or assist the prosecution of any lawful process or mandate of any court or officer, or the lawful apprehension or detention of himself, or of any other person".

In United States ex rel. Valenti v. Karnuth, 1 F. Supp. 379, the meaning of the subdivision last quoted was considered, with reference to the contention of the Government that the alien in question had been convicted of an offense involving moral turpitude, since he had pleaded guilty to the charge of forcibly resisting an officer. However, the court in its opinion pointed out

the

the fact that subdivision 5 provided for penalizing two distinctly different offenses, and concluded that, while assault "with intent to commit a felony" involved moral turpitude, a mere resistance to arrest did not. In this regard Judge Cooper said:

> "When confronted with the necessity of deciding whether the named crime to which the relator pleaded guilty involved moral turpitude, this court may, in reaching a decision, when the question is doubtful, look behind the plea to the charge or indictment upon which the plea was made for the purpose of determining the question.
>
> "In so doing, and particularly where the plea was to a crime not charged in the indictment and which must have been necessarily included therein, this court may, and should, determine for itself, not whether the relator should have pleaded as he did, nor whether the judgment of conviction of assault, second degree, is res adjudicata in this court, but whether the allegations of the indictment pertinent to the crime to which plea of guilty was entered state a crime involving moral turpitude. As to many of the lesser crimes, the question of moral turpitude is not determined by the name of the crime, but by the nature of the crime as defined in the statute and alleged in the indictment.
>
> . . . . . .
>
> "... It is reasonably clear that in the offense of assault in the second degree there may or may not be moral turpitude, depending upon the nature of the crime as charged in the indictment upon which conviction was had. In this connection see the case of U. S. ex rel. Mylius v. Uhl (C.C.A.) 210 F. 860."

In numerous other cases it has been made clear that the mere label attached to an offense is not to be relied upon in determining whether it involves moral turpitude. Thus

Thus, while some kinds of assault do not involve moral turpitude, it has been held that assault with a dangerous weapon does. (See opinion of Attorney General Cummings of August 19, 1937 and cases therein cited.)

In United States ex rel. Zaffarano v. Corsi, 63 F. (2d) 757, the court called attention to the statement in United States ex rel. Robinson v. Day, 51 F. (2d) 1022, to the effect that the particular circumstances under which a crime was committed may not be considered in determining the question whether it involved moral turpitude. With regard to this it was observed in the latter case that "when by its definition it does not necessarily involve moral turpitude, the alien cannot be deported because in the particular instance his conduct was immoral". With reference to this opinion, Circuit Judge Swan in the Zaffarano case said:

> "... This language means that neither the immigration officials nor the court reviewing their decision may go outside the record of conviction to determine whether in the particular instance the alien's conduct was immoral. And by the record of conviction we mean the charge (indictment), plea, verdict, and sentence. The evidence upon which the verdict was rendered may not be considered, nor may the guilt of the defendant be contradicted. So construed there is no inconsistency between that opinion and this; and such is plainly the correct construction, because it is the specific criminal charge of which the alien is found guilty and for which he is sentenced that conditions his deportation, provided it involves moral turpitude. Obviously it must be quite immaterial that some other

charge

> charge not involving moral turpitude may be called by the same generic name, as, for example, assault in the second degree. If an indictment contains several counts, one charging a crime involving moral turpitude and others not, the record of conviction would, of course, have to show conviction and sentence on the first count to justify deportation." (p. 759) (Underscoring added.)

While a mere resistance to arrest does not involve moral turpitude, it has been held that striking a police officer does (Ciambelli ex rel. Marangi v. Johnson, 12 F. (2d) 465). It has also been held that assault with intent to kill involved moral turpitude (United States ex rel. Shladzien v. Warden of Eastern State Penitentiary, 45 F. (2d) 304). In his opinion in the case just cited Judge Dickinson said:

> "... Counsel for the relator concedes that theft is not only denounced by the law as a crime, but is also by the common judgment condemned as immoral. Assault and battery might call for a like condemnation or it might not. The difference would be in the circumstances. Assault and battery with intent to kill would, we think, be open to the general condemnation which is accepted as the ethical standard. The moral turpitude of the offense springs from the intent, and in this respect might be differentiated from a mere assault and battery, or even an aggravated assault and battery. (pp. 205-206) (Underscoring added.)

Manslaughter may or may not involve moral turpitude. Thus in United States ex rel. Mongiovi v. Karnuth, 30 F. (2d) 825, it was held that manslaughter in the second degree does not involve moral turpitude, there being no "evil intent". This related to the provision of section

1052 of the Penal Law of New York, which defines manslaughter in the second degree as a crime committed "without design to effect death". The crime in this case was the killing of a person through the accidental discharge of a pistol during a struggle. In his opinion Judge Hazel distinguished this case from United States ex rel. Morlacci v. Smith, supra. On the other hand it was held in Pilling v. Smith, 46 F. (2d) 768, that manslaughter resulting from an attack with a knife did involve moral turpitude. In this case the court observed that, while the Hungarian Penal Code did not divide manslaughter into various degrees, it was "difficult to conceive of a greater degree of manslaughter than that for which the alien was convicted".

To consider cases more closely resembling the instant case, it may be observed that the courts appear to have uniformly held that offenses containing the element of fraud involve moral turpitude. Thus in the case of The Washington; United States ex rel. Schreiber v. Reimer, 19 F. Supp. 719, it was held that the prior conviction of an alien in Belgium upon a charge of embezzlement made him subject to deportation from the United States. After referring to Weedin v. Hempel, 28 F. (2d) 603, in which it was held that embezzlement was a "crime of

of moral turpitude", the court quoted from the opinion in United States ex rel. Popoff v. Reimer, 79 F. (2d) 513, 515, in which it was said that "criminal frauds with respect to property have universally ... been deemed to involve moral turpitude".

With regard to fraud cases attention is also called to Ponzi v. Ward, 7 F. Supp. 736.

In Kaneda v. United States, 278 Fed. 694, it was held that a false statement made by an alien under oath before immigration officials of the United States that he had no relatives in Hawaii was material and involved moral turpitude. In this regard Circuit Judge Morrow said:

> "We are of the opinion that the false statement made by the appellant to the board of special inquiry clearly and distinctly involved moral turpitude of the most serious and objectionable character." (p. 699)

In Ex parte Chin Chan On, 32 F. (2d) 828, it was held that a false statement by an alien before immigration officials that he had not practiced polygamy involved moral turpitude. In his opinion in this case Judge Meterer said:

> "... A willful assertion as to a material matter of fact by petitioner in the proceeding and being intended by him to mislead the Board of Special Inquiry is perjury. 2 Whart. C.L. § 1244; 2 Bish. N. Cr. Law, § 1013; State v. Smith, 63 Vt. 201,

201, 22 A. 604; United States v. Conner, 25 Fed. Cas. 595, No.14,847. Perjury is malum in se and malum prohibitum, and at civil and common law is classed as crimen falsi.

"The act was willful, the oath was false and material to the inquiry, the proceeding semijudicial, and there can be no doubt from this record that the motive, purpose, and intent were corrupt."

Upon the basis of the above decision it is believed that the Government is justified in the instant case in resorting to the record of the conviction of Alfred Rahn for the purpose of determining the precise nature of the offense of which he was convicted, even though it might not be permissible to take into account the peculiar circumstances under which it was committed, with a view to determining the question whether his offense involved moral turpitude, judged by the standards generally recognized by the courts in the United States. The record seems to show quite clearly that Mr. Rahn's false statement related to a material matter with regard to which the German authorities deemed it necessary to obtain correct information.

As indicated above, the last of the arguments submitted in behalf of Alfred Rahn is that the offense of which he was convicted was "purely political", so that his case falls within the exemption prescribed in the second proviso to section 3 of the Immigration Act of February 5,

February 5, 1917. This point presents some difficulties for two reasons: (1) because Mr. Rahn is a Jew and his attempted departure from Germany appears to have had relation to the persecution of Jews in that country, and (2) because of the paucity of decisions of courts in the United States defining or clarifying the meaning of the words, "offense purely political", in the second proviso to section 3 of the Immigration Act of February 5, 1917.

While the situation in which Mr. Rahn found himself in Germany at the time when he made the declaration containing the false statement in question naturally elicits sympathy, it can hardly be said that it furnished an adequate excuse for his offense, which appears to have been deliberately committed for his own private gain. In this relation it may be observed that there seems to be nothing in the report of the judgment of the court which furnishes a sufficient ground for holding that the conclusion was due to political animus.

As to the second point, it is quite true, as observed by the court in the Ezeta case, 62 Fed. 997, that "what constitutes an offense of a political character has not yet been determined by judicial authority", that is, if this statement is intended to mean that it

is

is impossible to set forth, upon the basis of judicial decisions, the precise meaning and limitations of the phrase in question. However, it appears to be well established, on the one hand, that an offense which is not committed for a purely private end but which forms a part of a movement to overthrow government is to be regarded as a political offense. (In re Castioni, 1 Q.B. 140; Hudson, Cases on International Law, 1029.)

On the other hand it does not seem proper to hold that an offense is "purely political", within the meaning of the statute, merely because it belongs to the class of crimes which affect the government of a state directly. Thus, it was held in Ponzi v. Ward (supra, p. 21) that the use of the mails to defraud involves moral turpitude. A similar conclusion was reached with regard to the offense of counterfeiting the money of the United States (United States v. Smith, 62 F. (2d) 808, 289 U.S. 422). In determining whether the crime is an "offense purely political" it seems necessary to take into account the motive of the person in question in committing the offense. If the motive relates solely to the advancement of a political measure, it would seem that the offense may be regarded as purely political, but this does not seem to be the case if the motive is personal gain.

For

For further discussions of the meaning of the term "political offense", see Moore on Extradition, Vol. 1, especially pages 281-302, 308, 319-323; Hyde, International Law, Vol. 1, pages 573-575, Keith's Wheaton, International Law (6th ed.); Oppenheim, International Law, 4th ed. Vol. 1, pages 218-221; Taylor, International Public Law, pages 258-259; Clarke, Extradition, 2nd ed., Appendix, page CXXIV.

While, for the reasons indicated above, it is believed that the weight of opinion supports the view that the offense of which Mr. Rahn was convicted involved moral turpitude within the meaning of section 3 of the Immigration Act of February 5, 1917, there are arguments on the other side of the question which merit consideration. It therefore seems desirable to obtain an opinion of the Attorney General in the matter.

Annex:

Translations of Provisions of the German Codes.

811.111 Rahn, Alfred

Le:GSK:RWF:MPW:SS

DEPARTMENT OF STATE

THE LEGAL ADVISER

November 30, 1938.

SUBMISSION OF THE RAHN CASE TO THE ATTORNEY GENERAL

VD -

Mr. Warren:

DEPARTMENT OF STATE RECEIVED DEC 1 1938 DIVISION OF COMMUNICATIONS AND RECORDS

As I have said before, I am convinced that the only satisfactory way to settle this case lies in the submission to the Attorney General of the legal question involved. This is one of the most difficult cases I have ever had to deal with. On the one hand, any person with natural human feelings must sympathize with Mr. Max Rahn, who has been visiting my office daily for some time, in his efforts to assist his brother Alfred Rahn in coming to this country from Germany. His brother was imprisoned in Germany February 2, 1938, because of conviction of making a false statement concerning his assets. The term of imprisonment was 14 months, but Mr. Max Rahn has received messages which convince him that his brother will be released from prison if he can obtain a visa for entrance into this country. On the

other

other hand, it appears to me that the offense of which Alfred Rahn was convicted must be regarded, in view of various decisions ~~before~~ our courts in cases somewhat similar, as one involving moral turpitude, so that he is subject to exclusion under the provision of section 3 of the Immigration Act of 1917.

In the attached memorandum, to accompany the letter to the Attorney General, I have endeavored to set forth the arguments on both sides of this question, although the arguments against the contentions made by Mr. Max Rahn in behalf of his brother seem greatly to outweigh those in support of it.

The strongest practical argument in behalf of Alfred Rahn lies in the fact that his false declaration was made under the stress of the persecution of Jews in Germany. However, I do not believe that this furnishes a legal argument in his behalf.

Richard W. Flournoy

811.111 Rahn, Alfred
Le-RWF:EGS

December 2 1938.

In reply refer to
Le 811.111 Rahn, Alfred

My dear Mr. Attorney General:

This Department desires to have the benefit of your opinion upon the following question:

Does the offense of knowingly making a false statement in an affirmation before an official, which is punishable under Article 156 of the German Criminal Code, involve moral turpitude, within the meaning of the provision of section 3 of the Immigration Act of February 5, 1917, when the record of the conviction shows that the false statement related to a material matter?

This problem has arisen in the case of one Alfred Rahn, a German citizen of the Jewish race, who made a false statement in a declaration concerning his property required by German law, who desires to obtain an immigration visa for use in coming to this country

to

The Honorable

Homer S. Cummings,

Attorney General.

to reside, but who was convicted, under the statutory provision in question, by a court at Fuerth, Bavaria, February 2, 1938. An English translation of the judgment of the court is enclosed.

The problem presented in this case is regarded as one of considerable importance, especially in view of the precedent which it may furnish. In the enclosed memorandum an effort has been made to present arguments on both sides of the question.

Sincerely yours,

Acting Secretary

Enclosures:
1. Translation of court record.
2. Memorandum.

Le-RWF:MPW:SS--FGS

RECEIVED DEPARTMENT OF STATE DEC 6 1938

DEPARTMENT OF STATE

THE LEGAL ADVISER

December 6, 1938.

THE QUESTION WHETHER ALFRED RAHN
IS SUBJECT TO EXCLUSION UNDER
THE IMMIGRATION ACT OF 1917

~~VD~~:
~~A M~~:
C:

DIVISION
Department of State
FILED
DEC 6 1938

The legal problem involved in the case of Alfred Rahn was submitted to the Attorney General last week. Before its submission I informed Mr. Rahn and his attorney, Mr. William M. Ramsey, that if the latter should submit to this Department a written argument in behalf of Mr. Rahn, I would see that a copy of it was sent to the Attorney General, for his consideration in connection with the memorandum submitted with this Department's letter. However, Mr. Ramsey, when he handed the attached letter to me yesterday, said that he had presented a copy of it to the Department of Justice. I therefore told him that it did not seem necessary for this Department to forward another copy to that Department.

R. W. Flournoy

811.111 Rahn, Alfred
Le RWF:HHW

811.111 RAHN, ALFRED
IM/R

December 8 1938.

In reply refer to
Le 811.111 Rahn, Alfred

FILED
DEC 14 1938

My dear Mr. Ramsey:

The receipt is hereby acknowledged of your letter of December 5, 1938 concerning the visa application of Mr. Alfred Rahn.

As you have been orally informed, the legal question involved in the case of Mr. Rahn was submitted to the Attorney General for an opinion on the 2nd instant. In view of your oral statement to Mr. Flournoy, when you handed him the letter under acknowledgment, that you had presented a copy of it to the Department of Justice, it does not appear necessary for this Department to forward another copy to that Department.

Sincerely yours,

For the Acting Secretary of State:

CR
DEC 7 1938.PM

E. WALTON MOORE

Counselor

Mr. William H. Ramsey,
Attorney at Law,
Woodward Building,
Washington, D. C.

Le RWF:HHW

A true copy of the signed original

811 RAHN, ALFRED
EM/R

In reply refer to
Le 811.111 Rahn, Alfred

Recemts 19 1938.

The Acting Secretary of State presents his compliments to the Honorable the Attorney General and refers to a letter dated December 2, 1938 transmitting the case of Alfred Rahn which is now before the office of the Attorney General for an opinion.

There is enclosed herewith a copy of despatch no. 2395 dated November 21, 1938 from the American Consulate General at Berlin, which may be of some value in the consideration of this case.

FILED
DEC 20 1938

Enclosure:

From Consulate General Berlin
no. 2395, November 21, 1938.

DEC 19 1938 PM

Le:GSK:SRW:BMS:SS
12/15 12/16

811.111 RAHN, ALFRED

RRR

A true copy of

WILLIAM H. RAMSEY
ATTORNEY AT LAW
WOODWARD BUILDING
WASHINGTON, D. C.

PHONE NATIONAL 3339

LEGAL ADVISER
DEC 6 1938
DEPARTMENT OF STATE

DEPARTMENT OF STATE
RECEIVED
DEC 8 1938
DIVISION OF
COMMUNICATIONS AND RECORDS

December 5, 1938

December 8 1938.

The Honorable

The Secretary of State.

Sir:

Re: Application of Alfred Rahn,
an alien, a German Jew,
for a visa to enter the
United States.

VISA DIVISION
DEC 13 1938
Department of State

811.111 RAHN, ALFRED

As attorney for the applicant, I have the honor to present the following suggestions for such assistance as they may be to the Department of State in determing whether such visa shall be issued.

The Facts.

The applicant, intending to emigrate to the United States, procured a visa in the fall of 1937, which expired in March or April, 1938. Meanwhile he was arrested by the German authorities, was convicted of "continued transgression of the foreign exchange law * * in connection with the simultaneous misdemeanor of rendering a false affidavit", and was sentenced January 25, 1938, to imprisonment for one year and two months, less "three weeks of detention", with costs. While still in jail in Germany, he has revived his application for a visa, which matter has been before your Department for consideration, the material question being whether the applicant has been convicted of an offense involving moral turpitude.

The Law.

The material part of the immigration law applicable to this case (Sec. 3 act of Feb. 5, 1917, 39 Stat. 874 -- Sec. 136, Title 8, United States Code) reads as

follows:

> "That the following classes of aliens shall be excluded from admission into the United States: All * * persons who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude; * *
>
> "Provided, That nothing in this act shall exclude, if otherwise admissible, persons convicted, or who admit the commission, or who teach or advocate the commission, of an offense purely political."

I am not so fortunate as to have copies of the applicable German statutes, or citations of the constructions of such statutes by the German courts; but copies of such statutes are in possession of your Department, and have, no doubt, been fully and carefully considered.

Discussion.

As to the question of moral turpitude: Lacking the statutes and decisions indicated in the last paragraph supra, I will refer to only a few decisions with which your Department is no doubt familiar.

An alien has the right to enter the United States. To this general rule there are certain exceptions, defined by our statutes; but the burden is on the immigration authorities to show that an alien denied the right to enter falls within one of those exceptions. United States ex rel. Castro v. Williams, 203 Fed. 155, 156. The burden is not on the alien to show the contrary.

By the same rule, where a reasonable doubt exists as to the proper application of the law, is it not the duty of the United States Government to resolve such doubt in favor of the alien?

United States ex rel. Funaro v. Watchorn, 164 Fed. 152. The alien had stabbed with a knife a man who had slapped his face. Held, not to involve moral turpitude.

Ex parte George, 180 Fed. 785. The alien had struck another Greek with a large piece of wood in a quarrel. No moral turpitude.

Ex parte Saraceno, 182 Fed. 955. Saraceno had been convicted of carrying concealed weapons. No moral turpitude. A case from New York. The statute prohibits carrying weapons "without a written license therefor." The reasoning of the court seemed to be that, if the act might be licensed by the State, it did not involve moral turpitude. See also United States ex rel. Andreacchi v. Curran (D. C. N.Y.) 38 Fed (2d) 498, 499.

United States ex rel. Mylius v. Uhl (1913), 203 Fed. 152, 154.

"Moral turpitude" is a vague term. Its meaning depends to some extent upon the state of public morals.

"A crime involves moral turpitude when its nature is such that it manifests upon the part of its perpetrator personal depravity or baseness." Ibid., page 154.

"The offense of criminal libel does not in its inherent nature involve moral turpitude." Ibid., page 155. (Habeas corpus case. Petitioner released. Had been convicted of criminal libel in saying that the king was a bigamist.)

As to "political" offenses.

The proviso to section 3 of the immigration law, quoted supra under the title "The Law", permits the admission of an alien otherwise admissible, whose offense has been "purely political", and that without reference to the question whether or not the offense was a felony or involved moral turpitude.

The term "political", as applied to offenses, has no reference to acts of a special type or category, but relates solely to the circumstances in which the offense was committed. Acts which, in ordinary circumstances, would simply be larceny, robbery, kidnaping, murder, etc., become, in certain other circumstances, "political"offenses. These facts will more clearly appear from an examination of the cases cited infra. The difference is not in the act itself, but in the circumstances attending its commission.

"What constitutes an offense of a political character has not yet been determined by judicial authority. "In re Ezeta (D. Ct. N. Calif., 1894, Morrow, D. J.), 62 Fed. 964, 997.

I have examined "Words and Phrases Judicially Defined", to and including the Fourth Series, without finding an attempted definition of the term "political offense".

Among the few English cases on this subject, see the following:

Ex parte Castione (1890) 60 L.J.M.C. 22, 1 Q.B. 149. The Swiss Government had applied for the extradition of Castione on a charge of murder. In September, 1890, a political rising took place in Switzerland. The insurgents, of whom Castione was one, made a forcible assault on the Government House, at which time Castione killed one Rossi with a revolver. Held, That inasmuch as the evidence showed that the act of shooting took place in a scene of great confusion and excitement, and not only in the course of but as part of a political insurrection, the alleged offense by Castione was one of a political character which privileged him from surrender. (Syllabus.)

In re Meunier (1894), 63 L.J.M.C. 198, 2 Q.B. 415. Meunier was an

Anarchist accused of bombing a barracks in France. "There must, in my opinion, be two distinct political parties, each striving to impose their form of government on the other, in order to constitute the circumstances in the course of which a so-called political offence could be committed. It must be an offence committed in the course of such a struggle and so connected with a political contest as to the amount to an offense of a political character." Cave, J., page 200. The court decided against the claim of "political offense."

In the American cases, only one Supreme Court case is found which even touches on the subject. That is the case of Ornelas v. Ruiz (1896), 161 U. S. 502. The question what constitutes a political offense was not in issue or decided, although the Court said obiter that it is an offense committed in "a movement in aid of a political revolt, an insurrection or a civil war."

See also Knox v. State (1905), 164 Ind. 226, 73 N.E. 255, in which the defendant has been extradited from Ohio to Indiana for trial. The court, in discussing the crimes named in international treaties, said that "all offenses of a political or religious character, and those growing out of intestine strife, are excluded." Page 257.

The English cases and the case of Ornelas v Ruiz, supra, were decided in the 90's of the last century. "Time marches on." We have been frequently admonished by officers of the highest authority in this nation that the construction of the Constitution should advance to keep pace with the changing conditions of the times. A recent decision substantially defining "political offense" is the following:

United States ex rel. Giletti v Commissioner of Immigration (2d C.C.A. 1929), 35 Fed. (2d) 687. Relator, an anti-Fascist Italian, was convicted of assault in the second degree, committed in Bronx County, New York, "the crime being that he shot another Italian, apparently in a political brawl between Fascists and anti-Fascists." Page 688. The Court of Appeals, L. Hand, J., said: "His offenses are apparently political, for which he could not be extradited." Page 689.

This quotation, somewhat expanded, reads as follows:

"His offenses are apparently political, for which he could not be extradited. True, this does not prevent us from ridding ourselves of his presence for crimes committed here, but it has been our traditional policy from the outset not to assist in the prosecution of political offenses, and it would seem to be a corollary that, when the choice is open, we should not make it an incident of the execution of our own laws that the offender should be subjected to the discipline of another country for crimes of that character. The occasion would therefore seem to be one in which the utmost latitude might properly be given him, consonant with law, to escape these consequences."

I find nothing in the term "political offense" or in the cases which necessarily limits its application to affirmative acts or to deeds of violence. "Offenses" may be committed through craft or cunning, as well as by violence; and they may be committed by mere omissions or neglect. I think these propositions too well established to require citation of authorities. With the proper political environment, I submit that an offense committed in any of those ways becomes a "political offense". As to the political environment in the instant case, see the following paragraphs.

It is also immaterial whether the offense is committed by one who is opposing, or one who is supporting, the existing government. Cf. the cases of U.S. ex rel. Castro v. Williams, supra, and Ex parte Castione, supra.

For some years past, beginning with the rise of Adolf Hitler to power, the Government of Germany has been undergoing sweeping fundamental changes, resulting in the establishment of a dictatorship and the destruction of democracy in the Republic. One of the fixed and apparently fundamental policies of the new regime has been to reduce to a state of poverty resembling serfdom the great number of Jews heretofore living peacefully and prosperously in Germany, and they have been assailed as Jews and not as individuals. The gradual unfolding of this policy from week to week has resulted in excesses and brutality which have shocked the conscience of the whole civilized world. As the diabolical wickedness of this campaign of destruction increases from week to week, one wonders when and what the end will be.

As the march of conquest has gathered into the Reich first Austria and then a portion of Czechoslovakia, this hatred, humiliation, and subjugation of the Jews has spread coextensively with the Nazi supremacy.

If the Jews had banded together to resist these oppressions and overthrow the power of the present regime, and if this applicant had been a participant in such movement, any offense committed by him therein could properly have been classified as

a "political" offense. But such course is not the custom of the Jew. When the herdmen of Gerar strove with the herdmen of Isaac about the wells they had digged, Isaac twice removed to other places and dug other wells. Gen. 26:20-22. In the days of Queen Esther, they did indeed fight, but only as a last resort to save their lives. Their custom has been, not to rise up in revolution or insurrection, but to suffer in silence or to resort to flight. The offenses of which this applicant stands convicted were committed, if at all, in an effort to flee the despotic control of the Nazi regime.

The outstanding feature of this persecution of the Jews is the very obvious purpose of the German government to restrain the flight of capital. As I understand, it is not difficult for a Jew to get a passport to leave Germany; but to remove therefrom and take his property with him is a wholly different matter. This, it would seem, is the purpose of the foreign exchange law, the law this applicant is convicted of violating -- that is, that in taking his property out, a very generous slice, if not the lion's share, shall be left in the permanent possession of the Reich. See the following from an Associated Press article dated Berlin Nov.24:

> "Driven from social life in Germany and ordered to get out of industry, Jews yesterday suffered a further blow in an assessment of one-fifth of their fortunes above $2,000.
>
> "The money must be paid by August 15, 1939. For the some 60,000 Jews in concentration camps there was almost insurmountable difficulty in trying to arrange for the payments.
>
> "Few Jews have sufficient cash on hand to pay the fine, and their source of income is being curtailed rapidly by the taking over of Jewish stores by non-Jewish owners.
>
> "Nazis said today that the process of Aryanizing business at present was confined to the retail field, that it was proceeding 'exceptionally fast' and that the wholesale and export and shipping firms would be next.
>
> "The propaganda campaign continued, with the Deutsche Bergwerks-Zeitung, important industrial publication of Duesseldorf, editorializing that the anti-Semitic drive was justified because of the wealth of Jews."

The affidavit in this case, alleged to be false, was incidental to the enforcement of the foreign exchange law.

So, where a nation begins an unendurable persecution of a distinct class, not

of a few individuals here and there but of a whole people, I respectfully submit that any unlawful act done by one or a group of those people in resistance of the one main purpose of the persecution should be considered and treated as a "political offense". If a shooting which occurred in New York City in a fight between Fascists and anti-Fascists is properly designated as a political offense (see the Giletti case supra), then a fortiori should the same term be applied to an effort to defeat pro tanto this colossal oppression of half a million Jews as such by the official action of the German Government.

If these were political offenses, it is immaterial whether they were or were not felonies, or involved moral turpitude. See again the Castro and Castione cases, supra. each of which involved the killing of a human being. Prior to the enactment of the present immigration law, approved February 5, 1917, a similar proviso in the law read as follows:

> "Provided, That nothing in this Act shall exclude, if otherwise admissible, persons convicted of an offense purely political, not involving moral turpitude."

When the present law, which originated in the House, was in process of enactment, the house committee recommended the adoption of the proviso in its present form, which makes no reference to moral turpitude. H. Rept. No. 95, 64th Cong., 1st Session. The Senate added the words, "unless such offense is a felony." Senate Report No. 352. Amendment agreed to by the Senate August 21, 1916. Apparently, however, these added words were stricken out in conference, as the proviso became law in the form in which it came from the House committee. See H. Rept. No. 1291, 64th Cong., 2nd Session. The bill was vetoed January 29, 1917, by President Wilson because of the literacy test, but was passed over his veto.

Conclusion,

This applicant, in committing, if he did, these alleged violations of the German foreign exchange law, and in making the alleged false affidavit, incidental to the other alleged offenses, was guilty of committing offenses "purely political". The visa should be granted.

Respectfully submitted,

William H. Ramsey,
Attorney for Petitioner.

Copy to the Attorney General

VD
LE

Office of the Attorney General
Washington, D.C.

LEGAL ADVISER
JAN 3 1939
DEPARTMENT OF STATE

DEPARTMENT OF STATE
RECEIVED
JAN - 3 1939
DIVISION OF COMMUNICATIONS AND RECORDS

December 31, 1938.

The Honorable,

The Secretary of State.

My dear Mr. Secretary:

Reference is made to the letter of December 2, 1938, from the Acting Secretary of State requesting my opinion upon the following question:

> "Does the offense of knowingly making a false statement in an affirmation before an official, which is punishable under Article 156 of the German Criminal Code, involve moral turpitude, within the meaning of the provisions of section 3 of the Immigration Act of February 5, 1917, when the record of the conviction shows that the false statement related to a material matter."

The Acting Secretary states that this problem has arisen in the case of one A. R., a German citizen, who desires to obtain an immigration visa for use in coming to this country to reside, and who was convicted under the above-mentioned statutory provision by the Court of Assizes at the District Court, Fuerth, Bavaria, February 2, 1938, of making falsely a statement required by German law concerning his property, the United States Consul having concluded, apparently tentatively, that the offense of which he was convicted involves moral turpitude.

BEST COPY AVAILABLE

Section 3 of the Immigration Act of 1917 (39 Stat. 874, 875, 877; U. S. C., title 8, sec. 136 (e)), provides in part:

> "That the following classes of aliens shall be excluded from admission into the United States: * * * persons who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude; * * * .
>
> * * * *
>
> "Provided, That nothing in this Act shall exclude, if otherwise admissible, persons convicted, or who admit the commission, or who teach or advocate the commission, of an offense purely political."

Section 2 (f) of the Immigration Act of 1924 (43 Stat. 153, 154; U. S. C., title 8, sec. 202 (f)), reads in part:

> "No immigration visa shall be issued to an immigrant if it appears to the consular officer, from statements in the application, or in the papers submitted therewith, that the immigrant is inadmissible to the United States under the immigration laws * * * nor shall such immigration visa be issued if the consular officer knows or has reason to believe that the immigrant is inadmissible to the United States under the immigration laws."

Section 23 of the 1924 act (43 Stat. 165; U. S. C., title 8, sec. 221) provides that:

> "Whenever any alien attempts to enter the United States the burden of proof shall be upon such alien to establish that he is not subject to exclusion under any provision of the immigration laws; * * * ."

The pertinent provisions of the German Law on Control of Foreign Exchange and of the German Criminal Code, as disclosed in the translation accompanying your letter, are as follows:

German Law on Control of Foreign Exchange

of February 4, 1935.

Article 34

"(1) The Minister of Finance of the Reich, the Reich Office for Foreign Exchange Control, the State Finance Offices and the Reichsbank may demand information from anyone referring to transactions or dealings which, under this law or an executive order, are prohibited or subjected to restrictions. In this connection the presentation of the books and other documents may be required.

"(2) The Minister of Finance of the Reich, the Reich Office for Foreign Exchange Control and the State Finance Offices may require that the correctness of information under Paragraph I be confirmed to them under oath, and the Board of the Reichsbank may require that such confirmation be given it and the banking institutions of the Reich.

"(3) The Order regarding the Duty of giving Information of July 13, 1923 (Reichsgesetzbl. I, page 723), is unaffected."

Article 43

"(1) Any person shall be punished by a fine who purposely or negligently:

.....

"5. Does not submit the information demanded by the Reich Minister of Finance, the Reich Office for Foreign Exchange Control, a State Finance Office or the Reichsbank, does not supply it within the period of time fixed, or supplies it incompletely or incorrectly, or who does not present the books or other documents, does not present them in the period of time fixed, or does not present all of them;"

.....

German Criminal Code

"Art. 153. Any person who knowingly swears falsely an oath tendered, referred or administered to him, shall be punished by penal servitude for not more than ten years. The same penalty applies to any person who as a party knowingly confirms a false statement by an oath."

"Art. 156. Any person who knowingly makes a false affirmation before an official competent to take a solemn affirmation or knowingly gives false testimony, invoking such an affirmation, shall be punished by imprisonment for from one month to three years."

"Art. 73. If one and the same act violates several criminal laws, only that law shall be applied which carries the severest penalty, and in case of different types of penalty, only that law which carries the severest type of penalty."

It appears from the translation of the judgment furnished by the Acting Secretary that the alien was sentenced by the court to one year and two months' imprisonment (with credit for three weeks of detention) for conviction of "continued transgression of the foreign exchange law according to paragraphs 34, 43, No. 5 of the foreign exchange law in connection with the simultaneous misdemeanor of rendering a false affidavit" under paragraph 156 of the Criminal Code. It further appears from such translation that the alien, shown by the judgment to be of Jewish extraction, was engaged with his mother in the wholesale ironware business; that on December 31, 1936, their interests in the business as shown by balance sheet were respectively 38,217,17 and 105,061,58 Reichsmarks; that since May or June, 1937, he had the intention of ~~im~~emigrating from Germany, and withdrew a total of 30,000 R.M. from the business, which he kept in cash, first at his place of business, later in his residence; that in October, 1937, in order to obtain the necessary certificate for ~~im~~emigration, he filled out two separate questionnaires given him by the foreign exchange office, one for himself and one for his

mother, in each of which he put down as the amount of cash on hand the statement "about R.M. 1500"; that certain property standing in his mother's name, for which sale negotiations were pending, was entered on his mother's affidavit at the "last unitary value"; that he delivered his list to the authorities, together with an affidavit as to the complete and true statement of the various amounts of property possessed of by himself, his wife and minor children; that the declaration of his mother was also delivered to the foreign exchange office with an affidavit signed by her; that the alien's mother was "irrefutably lacking every vestige of survey of the financial and business situation" and that "the accused alone is responsible for the contents of [her] declaration of fortune."

According to the translation the court stated that the alien:

> "had to stand fully convicted" of retaining 30,000 Reichsmarks, "with the intention to take this ready cash abroad either in its full equivalent or converted into other easily hidden values, without the control of the foreign exchange office and thereby avoiding the investment in restricted Reichsmark.";

and that

> "The accused is therefore convicted of having rendered incomplete or incorrect informations to a foreign exchange office as to means of payment which were demanded of him by the foreign exchange office, in uniform pursuance of such intention, and by the same action to have rendered knowingly a false affidavit before an authority competent for receiving such assurance."

In regard to the sentence the court observed:

> "The punishment had to be proclaimed on the strength of par. 73 of the Criminal Code as per par. 156 of the Criminal Code since such prescribes imprisonment and thereby the heavy penalty in contrast to the foreign exchange law, since par. 43 of the foreign exchange law only provides for monetary punishment.
>
> "In meting out the measure of punishment there had to be considered at the expense of the accused the considerable public interest prevailing regards truthful informations especially in the case of Jewish emigrants, since it must be avoided that non-registered capital is taken abroad and working there in Jewish hands against the German political economy and the German nation."

The question does not seem to have been presented to the Supreme Court, but the memorandum of your Legal Adviser accompanying your letter correctly observes that the opinions of the inferior Federal courts and the Attorneys General in the divers cases submitted to them for decision have held for many years that the record of a foreign court showing conviction is to be taken as conclusive evidence of conviction of the crime disclosed by it, and that neither courts nor immigration officers may go outside such record to determine facts or whether in the particular instance the alien's conduct was immoral. United States v. Uhl, 203 Fed. 152, 210 Fed. 860; United States v. Day, 16 F. (2d) 328; United States v. Karnuth, 30 F. (2d) 825; United States v. Corsi, 63 F. (2d) 757; The Washington, 19 Fed. Supp. 719; 37 Op. A. G. 293; 39 Op. A. G. 95. The question whether the crime involved moral turpitude, however, is to be determined according to its inherent nature and the standards prevailing in the United States

generally--not by those of the foreign country in which the crime was committed and the conviction occurred. United States v. Uhl; United States v. Karnuth; United States v. Corsi; The Washington, 39 Op. A. G. 95, supra; United States v. Day, 51 F. (2d) 1022; Mercer v. Lence, 96 F. (2d) 122; 38 Op. A. G. 128. It has been held that when, by its definition, the crime does not necessarily involve moral turpitude, the alien cannot be deported because in the particular instance his conduct was immoral; and, conversely, that when it does, no evidence is competent that he was in fact blameless. United States v. Day, supra, p. 1023, and cases there cited.

It should be noted, however, that each of the opinions to which reference has been made above was rendered on the particular facts and circumstances presented, and that there was involved no question of conditions other than normal obtaining in the foreign country where the crime was committed and the conviction had.

While moral turpitude is a vague term, there is general agreement that it contemplates an act of baseness, vileness, or depravity in the private and social duties which a man owes to his fellow men or to society in general--anything done contrary to justice, honesty, modesty, or good morals. United States v. Uhl, 203 Fed. 152, 154; Coykendall v. Skrmetta, 22 F. (2d) 120; United States v. Karnuth, supra; Tillinghast v. Edmead, 31 F. (2d) 81; Hutto v. Atlantic Life Ins. Co., 58 F. (2d) 69; 37 Op. A. G. 293; In re O'Connell, 184 Cal. 584, 587; Drazen v. New Haven Taxicab Co.,

95 Conn. 500, 506; Hughey v. Bradrick, 39 Ohio App. 486. It has been observed that "its meaning depends to some extent upon the public morals," United States v. Uhl, supra, p. 154, and that "standards of morals change with the changing conditions of civilization", Hutto v. Atlantic Life Ins. Co., supra, p. 71. The Court of Appeals for the District of Columbia said in Rudolph v. United States, 6 F. (2d) 487:

> "Many things which were not considered criminal in the past have, with the advancement of civilization, been declared such by statute; and the commission of the offense, if it involves the violation of a rule of public policy and morals, is such an act as may involve moral turpitude."

Conversely, it seems as plain that many things which may have been deemed criminal in the past may be so viewed no longer; and I think it as clear that in determining whether or not moral turpitude necessarily is involved it is proper to look to any conditions other than normal obtaining in a foreign jurisdiction at the time of commission therein of the crime and conviction by a foreign tribunal.

Judged by the standards prevailing in the United States, the inferior courts have considered technical perjury as involving moral turpitude. Ex Parte Chin Chan On, 32 F. (2d) 828; Masaichi Ono v. Carr, 56 F. (2d) 772; United States ex rel. Karpay v. Uhl, 70 F. (2d) 792; United States ex rel. Carella v. Karnuth, 2 F. Supp. 998. Perjury at common law is defined as "the wilful giving under oath, in a judicial proceeding or course of justice, of false testimony material to the issue or point of inquiry." Bishop Criminal Law, 9th ed., sec. 1015. See also 48 C. J. 820; 21 R. C. L. 254.

Perjury has been extended by Federal statute and by statutes in many States to include false swearing not connected with judicial proceedings. Criminal Code, sec. 125; U. S. C., title 18, sec. 231; State v. Smith, 63 Vt. 201; Clark and Marshall, Law of Crimes, 2d ed., p. 653; 21 R. C. L. 255-256; 48 C. J. 820-821. In some jurisdictions it appears that perjury or false swearing even may be premised upon false swearing to a matter not material to the issue or point of inquiry. State v. Byrd, 28 S. C. 18; State v. Miller, 26 R. I. 282; Milstead v. Commonwealth, 21 Ky. Law Rep. 358.

The Federal statute, however, includes "declarations" and "certificates", but to constitute a violation the false testimony or statement must be of a material matter. Under this statute conviction was sustained for false swearing in a land contest before a local land office. Caha v. United States, 152 U. S. 211. An indictment for perjury was upheld upon a false sworn statement in a homestead application, United States v. Smull, 236 U. S. 405; and for making a false statement under oath to the Civil Service Commission, United States v. Crandol, 233 Fed. 331. A conviction of perjury was affirmed for making a false statement under oath to the United States selective service draft board. Hardwick v. United States, 257 Fed. 505. See also United States v. Morehead, 243 U. S. 607, 610.

Crimes constituting fraud seem to be looked upon as involving moral turpitude within the meaning of the immigration statute.

United States v. Reimer, 79 F. (2d) 513, 514; Ponzi v. Ward, 7 F. Supp. 736, 738; and a false statement under oath to immigration officials has been held to involve moral turpitude. Kaneda v. United States, 278 Fed. 694; United States v. Smith, 62 F. (2d) 808, certiorari denied, 289 U. S. 422. Among other offenses held to involve moral turpitude under the immigration statute are: concealing assets by a bankrupt, United States v. Burmaster, 24 F.(2d) 57; issuing a check with intent to defraud, United States v. Day, 16 F. (2d) 328; Nishimoto v. Nagle, 44 F. (2d) 304; executing a mortgage with intent to defraud, United States v. Tuttle, 46 F. (2d) 342; conspiring to defraud a person by deceit and falsehood, Mercer v. Lence, supra; and criminally receiving stolen goods, United States v. Reiner, 17 F. Supp. 414.

It has been urged on behalf of the alien here involved that since Article 156 of the German Criminal Code penalizes false statements made before officials, regardless of whether they relate to material or immaterial matters, this Government is not justified in examining into the facts in the case with a view to determining whether the statement in question was material, it being assumed that a false statement as to an immaterial matter could not reasonably be regarded as involving moral turpitude.

It is true that Article 156, under which the alien was convicted, does not require that the false affirmation be in regard to a matter material to the point of inquiry, and the documents forwarded to me by the Acting Secretary with his letter of December 19,

1938, disclose a difference of opinion among German commentators as to whether the decisions of the German Supreme Court make any distinction between material and immaterial matters. Certain of them assert that no distinction is made between essential points and incidental points and that a false oath relating to an incidental matter would be punishable; others seem to express a contrary view. While there is some uncertainty as to the interpretation of Article 156, your Legal Adviser considers that the Government is justified in this case, under the decided cases, in resorting to the record of conviction to ascertain the precise nature of the offense of which the alien was convicted. Ex Parte Chin Chan On; United States v. Corsi, supra. If resort is had to the record it indicates, although the situation is involved, that the alien's false statement related to a matter which the German authorities deemed material and respecting which they deemed it necessary to obtain correct information.

It has also been suggested on behalf of the alien that when he submitted to the German authorities the declaration alleged to contain a false statement concerning his property he did so under the advice of an economic trustee upon which he considered that he was justified in relying. It is the view of your Legal Adviser, however, that your Department would not be justified on this score in attempting to try the case anew and to determine whether the conviction of the alien was warranted under the circumstances.

It has been urged on behalf of the alien, however, that the offense of which he was convicted was political. The statute excludes from its provisions an alien convicted of an "offense purely political", and extradition treaties, with few exceptions, contain a provision exempting in mandatory or permissive form political offenses from their operation. The term, however, is not defined in the Immigration Act, nor, apparently, in any of the treaties to which the United States is a party. It is generally agreed that no satisfactory and acceptable definition of the term has yet been found. In re Ezeta, 62 Fed. 964; Moore, The Case of the Salvadoraan Refugees, 29 American Law Review, p. 1; Clarke, Extradition, 2d ed., Appendix XXXIV; Deere, Political Offenses in the Law and Practice of Extradition, 27 American Journal of International Law, 247-270, at p. 269; Foreign Relations of the United States (1897), pp. 405-416; Harvard Research, Extradition, American Journal of International Law (1935), Pt. I, Supp., pp. 107-119; Hyde, International Law (1922), Vol. I, pp. 573-576; Moore, Extradition (1891), Vol. I, pp. 303-325; Oppenheim, International Law, 4th ed., Vol. I, pp. 573-579; Taylor, International Public Law (1901), pp. 258-259; Wheaton's International Law (Keith), 6th Ed., pp. 218-228; 3 Proceedings of American Society of International Law (1909), pp. 95-165.

Judge Moore, in the work above cited (p. 308), states that definitions are of little practical value "since the question whether a particular act comes within that category is pre-eminently circumstantial." Reference to a few cases may serve to indicate the

general nature of the concept.

In re Castioni (1891), 1 Q. B. Div.149, 156, Lord Denman stated:

> "I think that in order to bring the case within the words of the Act and to exclude extradition for such an act as murder, which is one of the extradition offences, it must at least be shewn that the act is done in furtherance of, done with the intention of assistance, as a sort of overt act in the course of acting in a political matter, a political rising, or a dispute between two parties in the State as to which is to have the government in its hands, before it can be brought within the meaning of the words used in the Act."

In the same case, however, Judge Hawkins, adopting the definition given in Stephen's History of the Criminal Law of England (1883), Vol. II, pp. 70-71, said:

> "I think, therefore, that the expression in the Extradition Act ought (unless some better interpretation of it can be suggested) to be interpreted to mean that fugitive criminals are not to be surrendered for extradition crimes, if those crimes were incidental to and formed a part of political disturbances. I do not wish to enter into details beforehand on a subject which might at any moment come under judicial consideration."

In the draft Convention on Extradition, prepared by the Harvard Research in International Law (supra, p. 112), the following definition was proposed:

> "As it is used in this Convention, the term 'political offense' includes treason, sedition and espionage, whether committed by one or more persons; it includes any offense connected with the activities of an organized group directed against the security or governmental system of the requesting State; and it does not exclude other offenseshaving a political objective."

Counsel for the alien suggests that the term "political offense" should apply "to any offense incidental to the resistance of, or flight from, great persecutions or oppressions by nations or ruling majorities against large racial religious, or political minorities."

While ordinarily it may not be proper to consider the motive or purpose of the offender in determining whether a crime of which he was convicted involves moral turpitude, I agree with your Legal Adviser that when the question is presented whether the offense was political it becomes necessary to take motive into account.

It may be assumed,that, in ordinary circumstances, under the principles enunciated in the cases heretofore cited--most of which, it should be observed, presented instances of convictions not by foreign courts but by courts of this country--wilful false swearing would involve moral turpitude. However, in view of the claim made in this case that the crime was political in nature or had political aspects, the question whether in its essence it is one debarring the alien from entry is a question which, if presented to a court in the United States, would, in my opinion, require consideration in the light of the present-day situation in Germany. I do not think that the case should be divorced from the realities of the world or that opinions rendered heretofore in this country dealing with the moral qualities of crimes of which persons had been convicted by foreign tribunals in tranquil times should be followed in the letter to conclusions antagonistic to the spirit of our im-

migration law and foreign to the intent of the Congress in passing it.

There are in the United States no statutes comparable to the economic decrees of the Reich. It is well known indeed that the concepts of law presently existing in Germany are alien to those which prevail in this country. See "The German Reich and Americans of German Origin", Oxford University Press, 1938, pp. ix, 3-6. It should be noted that the German court states in its judgment convicting the alien here involved that "the accused had * * * the intention of emigrating from Germany since, being a Jew, he saw his commercial progress in Germany obstra[u]cted." It is common knowledge that decrees and orders have been issued in and are enforced by the German Reich designed to eliminate Jews from all phases of German life, and indeed from that country; and that judged by our standards, as well as by those of many other nations, the members of the Jewish race in Germany are under the severest kind of persecution. The State Department had occasion to observe during December, 1938, that the recent policy pursued in Germany shocked and confounded public opinion in the United States more profoundly than anything that had taken place in many decades, and that references here in public utterances to this state of public indignation represented the feeling of the overwhelming majority of the people of the United States.

Under such conditions the terror and desperation extant among hundreds of thousands of Jews now living in Germany cannot be

other than acute. It was apparently under such conditions and in connection with the enforcement of the decrees which brought them about that conviction was had of the crime here charged; I cannot bring myself to believe that in determining any moral or political attributes of that crime the courts of this country would close their eyes to those factors.

Indeed, it would appear that the acts here under consideration were performed under a compulsion as great as it was unjust. The alternatives open to the alien were to remain in Germany and be reduced to a state of penury and serfdom or to seek another life in another land. In selecting the latter alternative, he was confronted with the necessity of going forth with his dependent family stripped of all his possessions or seeking to retain what was rightfully his own, in avoidance of a statute and a procedure which cannot be defended on the basis of morals or justice. It was a form of duress which in good conscience we would not be justified in ignoring.

See atty Gen's letter 7 1-2-39

I do not believe that the term "moral ~~obliquity~~ turpitude", as it is generally understood, can properly be ascribed to the conduct of this alien. I advise that you would be warranted in granting him a visa.

Respectfully,

Attorney General.

Office of the Attorney General
Washington, D.C.

RECEIVED
DEPARTMENT OF STATE
1939 JAN 3 PM 4 42

January 2, 1938

DIVISION OF
COMMUNICATIONS
AND RECORDS

811.111 RAHN, ALFRED

The Honorable,

The Secretary of State.

My dear Mr. Secretary:

Referring to my opinion to you dated December 31, 1938, respecting the eligibility of a German alien for a visa, will you please change the word "obliquity" in the first line of the last paragraph of the opinion to "turpitude" which was the word intended.

1-6-39 Change noted in Opinion

Respectfully,

Attorney General.

VD
LE
Copyright
1/3/39

Office of the Attorney General
Washington, D.C.

RECEIVED
DEPARTMENT OF STATE
1939 JAN 3 AM 11 04

December 31, 1938

JAN 9 1939
DIVISION OF INVESTIGATIONS AND RECORDS

JAN 4 - 1939
Department of State

LEGAL ADVISER
JAN 3 1939
DEPARTMENT OF STATE

The Honorable,

The Secretary of State.

My dear Mr. Secretary:

Please let me know whether you have any objection to the publication of, in accordance with U. S. C., title 5, sec. 305, my opinion to you of December 31, 1938, transmitted herewith, concerning the eligibility of a German alien for a visa.

Respectfully,

Attorney General.

HH. HH RAHN, ALFRED

IM/R

January 9 1939

In reply refer to
VD 811.111 Rahn, Alfred

My dear Mr. Attorney General:

I acknowledge the receipt of Mr. Cummings' letter of December 31, 1938 with which was transmitted his Opinion of that date concerning the admissibility of one Alfred Rahn into the United States under the clause in Section 3 of the Immigration Act of 1917 which provides for the exclusion of "persons who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude".

The Department interposes no objection whatever to the publication of the Opinion.

Sincerely yours,

xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

Sumner Welles

Acting Secretary

811.111 RAHN, ALFRED

JAN 6 1939 PM
JAN 7 1939 PM

The Honorable

Frank Murphy,

Attorney General.

VD:RCA:MCM:SS

1/6

FILED

A true copy of the signed original

New York Times JAN 4 1939

Refugees Aided by Last Cummings Opinion; Hiding of Funds Was Held Not a Bar to Visa

Special to THE NEW YORK TIMES.

WASHINGTON, Jan. 3.—The last official opinion rendered by Homer S. Cummings as Attorney General, it was learned today, was in behalf of German refugees, and place a new construction on consular procedure in the granting of visas for the United States.

The case arose when a man, of whom it is known only that he has the initials "A. R.," stated in an application for a visa more than two years ago that he possessed only 1,500 reichsmarks. Investigation showed he had nearer 20,000, far more than the limit an individual was permitted to take from Germany. The man was convicted and sentenced to two years in prison.

When he had served his term he again applied for a visa but, according to information obtainable here today, it was refused by American consular officials on the ground that he had been guilty of an offense constituting moral turpitude. Under the statute moral turpitude is a bar to the granting of a visa.

Mr. Cummings, in his opinion, which was rendered as his last formal official act, on the last day of the year, took a different view. He ruled, it was said, that the refugee had been guilty of false report but, under the circumstances, this was not moral turpitude and that ground for withholding a visa did not exist.

This was communicated to the State Department, which will have to revise visa procedure of years' standing in this important respect. The department must instruct that the visa should be granted the man unless it can find other reasons for withholding it.

No details of the opinion were forthcoming from the Department of Justice. The State Department would make no comment on the grounds that by law visa information is confidential.

811.111 RAHN, ALFRED IMR

DEPARTMENT OF STATE

VISA DIVISION

Date January 4, 1939.

Call received by RCA

Name of Caller: Mr. William H. Ramsey

Telephone Personal ✓

Alien concerned: ALFRED RAHN

Called to Stuttgart 1-6-39 File RCA

Petitioner concerned:

Action requested: Cable Stuttgart regarding ruling of the Attorney General.

Charge telegram to Mr. Max Rahn
General Cigar Company,
Cayey, Puerto Rico.

Remarks: No letter necessary. Max Rahn knows about the Opinion of the Atty. Gen. He called Mr. Ramsey on the telephone from Yale Town and stated that he had read the report of the Opinion in the New York Times.

811.111 RAHN, ALFRED
I&R

DEPARTMENT OF STATE

VISA DIVISION

DEPARTMENT OF STATE
RECEIVED
JAN 10 1939
DIVISION OF
COMMUNICATIONS AND RECORDS

January 6, 1939

MEMORANDUM FOR THE FILES:

The attached Opinion of the Attorney General goes pretty far in exempting German Jews from the moral turpitude clause of our immigration laws on account of their conviction under the Hitler regime of crimes which might ordinarily be regarded as excluding them from the United States. I believe there is likely to be some unfavorable repercussion in Congress and on the part of public opinion throughout the country as a result of this Opinion.

In the first place the provisions of the German Criminal Code, under which the alien in this case was convicted, were created long before Hitler, and they apply equally to Jews and non-Jews. Furthermore, the German Law for the Control of Foreign Exchange, although promulgated under Hitler, is equally applicable to Jews and non-Jews. These are not laws or decrees enacted for the sole purpose of oppressing the Jews. They apply to all Germans. Our own laws prohibiting the concealment of assets in bankruptcy and the exportation of gold apply to all citizens alike. They are

811.111 RAHN, ALFRED
IM/R

are economic laws designed to prevent the perpetration of frauds upon creditors and to protect the nation from the drain of its resources in the form of money or capital.

The principle adopted in this Opinion, if followed in other cases -- as it must be followed until overruled or until Congress changes the law -- will result in setting up the Jews as an exalted people who, because of their oppression, may commit serious crimes which would exclude other aliens from the United States, but which will not operate to exclude the Jews under our laws.

I have every sympathy in the world for the Jews in Germany and in other countries, but I do not believe that Opinions such as this are likely to result in any appreciable improvement in their conditions either in this country or abroad. On the contrary, I am of the opinion that any special consideration shown to the Jews under the immigration laws is likely to engender a feeling of deep resentment among our people against all Jewish immigrants, a result which should be avoided if at all possible. One of the things most incompatible with true freedom and abhorrent to every lover of a democratic form of government, is a special privileged class which is above the law and which may commit crimes with impunity. If the doctrine

of

of force majeure is extended to Jewish criminals they will bring all the pogroms of Europe with them to the United States.

811.111 Rahn, Alfred

VD:RCA:EEW

PREPARING OFFICE
WILL INDICATE WHETHER
Collect
Charge Department
OR
Charge to
$3,96

TELEGRAM SENT

Department of State

Mr. Max Rahn,
General Cigar Company,
Caguas, Puerto Rico.

1939 JAN 9 AM 9 32

Washington, January 9, 1939.
5 p.m.

TO BE TRANSMITTED
CONFIDENTIAL CODE
NONCONFIDENTIAL CODE
PARTAIR
PLAIN

FILE COPY OF ACCTS.

RECEIVED
DIVISION OF ACCOUNTS
JAN 21 1939
DEPARTMENT OF STATE

DIVISION OF
COMMUNICATIONS
AND RECORDS

This cable was sent in confidential Code. It should be carefully paraphrased before being communicated to anyone.

AMERICAN CONSUL

STUTTGART (GERMANY).

Your January 11, 1938, 4 p.m.

Attorney General has held that the offenses of which Alfred Rahn was convicted on February 2, 1938 before the Court of Assizes in the District Court, Fuerth, Bavaria, under Article 156 of the German Criminal Code, and under the German Law on the Control of Foreign Exchange of February 4, 1935, are not offenses involving moral turpitude. It is expected that Alfred Rahn will apply for another immigration visa upon his release from imprisonment.

repeat not
cards

Acting

CR
JAN 6 1939 PM
JAN 7 1939 PM

FILED
MAR 15 1939
DIVISION OF ACCOUNTS

FILED
MAR 16 1939

811.111 Rahn, Alfred

VD:RCA:MCM:SS

Enciphered by _____

Sent by operator _____ *M.*, _____, *19*____, _____

D. C. R.—No. 50

1—1462 U. S. GOVERNMENT PRINTING OFFICE

811.111 RAHN, ALFRED

IMR

THE
NATIONAL ARCHIVES
OF THE
UNITED STATES

CHARGE SLIP

File No. 811.111 RAHN, ALFRED

Enclosure	Charge to—	Date	Clerk's initials	Remarks
~~FILE~~	~~BA~~	~~1/17/38~~	~~LJR~~	~~RECHARGE~~
~~file~~	~~VD Mono~~	~~1/20/38~~	~~R~~	~~[illegible]~~
~~file~~	~~BA~~	~~1/20/38~~	~~R~~	~~BA [illegible]~~
File	VP	12/14/8	W	
	Catch case & send to LE Knight		LD	12/15/38
	~~LE Knight~~	~~12/21/38~~	~~R~~	
~~case~~	~~LE RWF~~	~~1/3/39~~	~~D~~	
	~~VD RCA~~	~~1/4/39~~	~~D~~	
File	VD	11/21/39	K	
~~File~~	~~VD (Harrington)~~	~~4-29-40~~	~~K~~	~~Foreign Ser School~~

U. S. GOVERNMENT PRINTING OFFICE 1—1433

CHARGE SLIP

File No. Rahn, Alfred

Enclosure	Charge to—	Date	Clerk's initials	Remarks
	DA	1/21/9	W	tlf to S Stuttgart 1/9/9
	VD	4/1/9	K	Ltr. 1/9/39 to Stuttgart
file	LE (Knight	6/1/9	W	

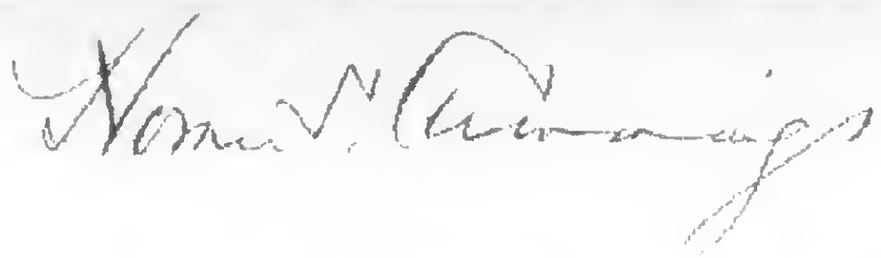
CHARGE SLIP

File No. 811.111 RAHN, ALFRED

Enclosure	Charge to—	Date	Clerk's initials	Remarks
	BA	1-10-38	M	TEL. TO BERLIN 1-7-38 5 PM. ONLY.
Rest of file	VB	1-11-38	[illegible]	
	VB	11/19/38	[illegible]	Tel to Berlin 11/17/38 7 pm

U. S. GOVERNMENT PRINTING OFFICE 1—1433

811. 111, Rahn, Alfred



Homer Stilles Cummings
1870 - 1956

United States Attorney General for two terms under Franklin D. Roosevelt 1933-36.

---

1. Isaac 2. John 3. Abraham 4. Abraham 5. Stephen 6. Stephen 7. Hezekiah 8. Uriah 9. Homer S.

From *Encylopedia of Biography*, Vol XV 1924 p. 291-293, 1924:

CUMMINGS, Homer Stille, Lawyer, Orator, Author

One who knows Homer S. Cummings, of Stamford, intimately has said of him: "By sheer ability, perseverance and hard work, he has risen form a struggling young lawyer to be a leader of the bar of Connecticut. In the higher courts he has been counsel in many of the most important causes tried in the State and adjoining jurisdictions, involving large monetary interests and important questions of law. He has also appeared in the United States Supreme court and other Federal courts in many parts of the country."

On July 1, 1914, Mr. Cummings was appointed State's attorney for Fairfield county, an office which he still retains, and the duties of which he discharges with marked ability. The following quotation from a tribute paid by Mr. Cummings to one of his predecessors in the office of States attorney is peculiarly applicable to himself. "As a trial lawyer...he adhered to the highest traditions. He sought for the truth that justice might be served, and desired no unjustifiable conviction. The rights of the innocent were safe in his hands; only the guilty had reason to fear...He was eager that every fact and circumstance should be scrutinized, so that the great power of his office should not in the least degree be directed toward oppression."

Mr Cummings served three terms as mayor of Stamford, being elected upon the Democratic ticket, and could not have been chosen to that office without the support of large number of Republican voters. The messages he wrote to the Common Council attracted State-wide attention. The reorganization of the police and fire departments and the acquisition of Halloween Park are among the many constructive accomplishments of his administration. He had vision to see that future citizens of Stamford should have a public park with a frontage on Long Island Sound. With tenacity of purpose he led this movement and did not hesitate to dissolve a tie vote both in Common Council and in the Board of Appropriation; and when the succeeding administration sought to rescind the vote, he without remuneration, carried the case to the highest court in the State, which fully sustained his position (see *Bohannan vs. The City of Stamford*, 80 Conn.107). For a number of years (1903-11) Mr. Cummings was president of the board of Trade, and though his efforts many important enterprises were established in Stamford.

The name *Cummings* has been variously spelled, and tradition says that Scotland was the original home of the race, one branch of which was known as the "Red" Cummin, and another as the "Black" Cummin. The former is the branch to which the ancestors of Homer Stille Cummings belonged, and this fact seems to indicate their possible descent from John Cummin, regent of Scotland, and rival of Robert Bruce for the crown of that kingdom.

Hezekiah Cummings, grandfather of Homer Stille Cummings, was descended from ancestors who were of Bennington, Vermont. He, himself, lived at Akron, New York, which was, perhaps, his native place. He was a farmer and also the proprietor of a cement and lime kiln, being the first manufacturer of cement in Akron, the forerunner of an industry which grew to large dimensions in the county. In politics Mr. Cummings was a Whig. He married Betsey Bates, and it is a fact worthy of note that on old family silver belonging to Mrs. Cummings the name was spelled without the "g." Hezekiah Cummings was seventy years old at the time of his death.

Homer Stille Cummings, son of Uriah and Audie Schuyler (Stille) Cummings, was born April 30, 1870, at their home on Michigan avenue, in Chicago, Illinois, and received his preparatory education at the Heathcote School, Buffalo, New York, afterward entering Yale University and graduating from

Sheffield Scientific School in 1891, with a degree of Bachelor of Philosophy. He was fitted for his profession in Yale Law School, receiving, in 1893, the degree of Bachelor of Laws. The same year he was admitted to the Connecticut bar, in August 1893, entered upon the active practice of his profession at Stamford, and in that city he has ever since maintained his principle office. On January 1, 1895, he became a member of the law firm of Fessenden, Carter & Cummings, the association remaining unbroken until 1900, when he began practice alone and for the succeeding nine years was without a partner. On September 1, 1909, he organized the firm of Cummings & Lockwood, his associate being Charles D. Lockwood, at that time judge of probate for the District of Stamford. During the years which have since elapsed, the practice of the firm has grown to large proportions, embracing widely differing lines of important litigation. Mr. Cummings is also a member of the New York bar, and he is enrolled in the American Bar Association.

!In polictics Mr. Cummings is a Democrat. He was elected mayor of Stamford and served from 1900 to 1901, 1901 to 1902 and 1904 to 1906, and during 1902 and 1903 served as president of the Mayors Association of Connecticut. In 1908 he was chosen corporation counsel of Stamford, retaining that office for four years. In 1896 Mr. Cummings was the Democratic candidate for Secretary of State of Connecticut, and in 1902 was nominated for Congressman-at-large, receiving, in each of these elections, the highest vote on the party ticket. In 1910 he was the unanimous choice of the Democratic members of the General Assembly of Connecticut for United States Senator, and in 1916 was again a candidate, failing of election by a comparatively narrow margin, but again receiving the highest vote on his party ticket. He was a alternate-at-large to the Democratic National Convention of 1920. Since 1900 he has been, by successive unanimous appointments, a member of the Democratic National Committee. His last reappointment was in 1920, for the period of service ending in 1924. In 1913 he was unanimously elected vice-chairman of the Democratic National Committee, and on February 26, 1919, became its chairman, retaining that office until July 20, 1920. He was temporary chairman of the Democratic National Convention held at San Francisco, June 28, 1920, and delivered the "keynote" address, which attracted national attention and, because of the manner in which it dealt with international relations, was widely quoted in foreign newspapers and magazines. At the San Francisco Convention, Hon John F. Crosby, Assistant United States Attorney, acting for the Connecticut delegation, placed the name of Mr. Cummings before the convention as a canadate for president of the United States. In the subsequent balloting he had the undivided support of the Connecticut delegation, and with support from various other States and Territories, received a total of twenty-seven votes. In 1917-1918 Mr. Cummings was a member of the Connecticut State Council of Defense.

!He is widely known as a public speaker of unusual attainments, having delivered many lectures as well as political and literary addresses. His style as a political speaker was felicitously described by the "Cheyenne (Wyoming) State Leader," after an address delivered by Mr. Cummings, July 21, 1919, at Cheyenne.

Forceful without being uncouth in his manner; suave and subtle, yet stingingly sarcastic at times; a master of chaste English, and at the same time an unusually vibrant prophet of the new day. Mr. Cummings made a tremendous impression on his hearers.

Through it all one saw clearly that he spoke not as a mere wordster, but as one having the confidence of a cause which inspired and emboldened him. He was seductively logical, proceeding with precision and convincing power from one point to another, and carrying his audience with him.

But what thrilled his hearers was not so much the manner of the delivery of his message as the message itself.

In this last paragraph is found the secret of Mr. Cummings power -- vision to discern and strength to make others see what he sees as he sees it. As was most truly said of him, he is "a patriot rather than a partisan; more the prophet than politician."

Mr Cummings affilates with Hiram Lodge, No. I, Free and Accepted Masons; Independent Order of Odd Fellows; Benevolent and Protective Order of Elks; Fraternal Order of Eagles; Knights of Pythias, Royal Arcanum, and the Knights of Maccabees. He belongs to the National Democratic Club of New York City, the Metropolitan Club of New York City, the Congressional Club of Washington, D.C. the University Club of Bridgeport, the Woodway County Club, the Stamford Yaucht Club and the Suburban Club of Stamford. He is member of the First Congregational Church of Stamford.

!On June 28, 1897, Mr. Cummings married (first) Helen W. Smith, daughter of the late Commodore James D. Smith. there was one child of this marriage, Dickinson Schuyler Cummings. On December 15, 1909, Mr. Cummings married (second) Marguerite T. Owings, daughter of John and Caroline H. (Lacy) Owings.

From *DICTIONARY OF AMERICAN BIOGRAPHY*, Supplement six, 1956-1960

CUMMINGS, HOMER STILLE' (April 30, 1870-September 10, 1956)

U.S. attorney general, was born in Chicago, Ill., son of Uriah C. Cummings manufacturer and authority on cement, and Audie Schuyler Stille'. Homer graduated from the Heathcote School in Buffalo, N.Y. He received the Ph.B degree from the Sheffield School of Yale University in 1891 and the L.L.B. from Yale Law School in 1893. He then practiced law in Stamford, Conn., and in 1909 joined with Charles D. Lockwood to form Cummings and Lockwood. He remained a partner in the firm until 1933.

Cummings entered politics almost immediately. In 1896 he supported William Jennings Bryan, and Connecticut Democrats nominated him for secretary of state. The decision for Bryan rested on his conviction that government, law, and the Democratic party were the instruments for the achievement of social justice in America. His progressive sensibility was reinforced by his gifts as an orator. He was an incisive, dramatic trial lawyer, and an astute, imperturtable, and loyal political manager.

In 1900, 1901, and 1904, Cummings was elected mayor of Stamford, where he instituted a progressive municipal program. He constructed and improved streets and sewers, reorganized the police and fire departments, and secured a shorefront park, later named for him. He was nominated for congressman-at-large in 1902 and for U.S. Senator in 1910 and 1916. Each time he lost narrowly. He served as state's attorney for Fairfield County from 1914 to 1924. During Cummings' last year as county prosecutor, a vagrant, Harold Israel, was indicted for the murder of a popular parish priest on a street corner in Bridgeport. The evidence, including a confession, appeared overwhelming, but Cummings, after scrupulous investigation, became convinced of Israel's innocence. In a gripping courtroom scene he asked for and secured dismissal of the charge. In 1931 the National Commission on Law Observance and Enforcement (the Wickersham Commission) praised this act, and a film "BOOMERANG" (1947) dramatized the affair,

!Cummings began his association with the national Democratic party in 1900, when he was named committeeman from Connecticut, a post he held until 1925. He was a delegate-at-large to the 1900 Democratic convention, the first of many conventions he was to attend. In the 1912 campaign he directed the Democratic speaker's bureau from Washington, D.C. He served as vice-chairman of the national committee from 1913 to 1919 and as chairman from 1919 to 1920. Cummings greatly admired

Woodrow Wilson and delivered a passionate keynote address at the 1920 convention in praise of the stricken president.

Cummings vainly attempted to calm the bitterly divided Democratic convention of 1924. As chairman of Committee on Resolutions, he tried to formulate a compromise plank on the controversial issue of the Ku Klux Klan. Unlike most Northeasteners, however, he supported William G. McAdoo over Alfred E. Smith for the presidential nomination. For the rest of the decade his political activity was restrained.

Cummings married four times. His marriage to Helen W. Smith in 1897 ended in divorce in 1907. They had one son. His 1909 marriage to Marguerite T. Owings was dissolved in 1928. The marriage to Mary Cecilia Waterbury in 1929 was happy; she died ten years later. He published a memoir. "The Tired Sea" (1939), as a tribute to Cecilia. In 1942 he married Julia Alter, who died in 1955.

With the coming of the Great Depression, Cummings reentered politics. In 1932 he helped persuade twenty-four senators and numerous congressmen to announce their support for Franklin D. Roosevelt. At Chicago he planned strategy, operated as floor manager, and delivered a resounding seconding speech. Following the election, Roosevelt chose Cummings as governor-general of the Philippines. However, when Senator Walsh, who had been designated attorney general, died on Mar. 2, 1933, Roosevelt named Cummings to lead the Justice Department on Mar. 4. Cummings accepted the post on a temporary, emergency basis, and then, a few weeks later, permanently. He served almost six years as attorney general; only William Wirt served longer (1817-1829).

Cummings transformed the Department of Justice. He established uniform rules of practice and procedure in federal courts. Appalled by the crime waves of the Prohibition era, he secured the passage of twelve laws that buttressed the "Lindbergh law" on kidnapping, made bank robbery a federal crime, cracked down on interstate transportation of stolen property, and extended federal regulations over firearms. He strengthened the Federal Bureau of Investigation, called a national crime conference, supported the establishment of Alcatraz as a model prison for hardened offenders, and reorganized the internal administration of the department. In 1937 Cummings published "We Can Prevent Crime, and, with Carl McFarlan, an assistant attorney general, "Federal Justice," a departmental history, "The Selected Papers of Homer Cummings" (1939), edited by Carl B. Swisher, supplemented the history.

Cummings's path as protector of New Deal programs was thorny. During his first week as attorney general, he advised Roosevelt that the Trading with the Enemy Act of 1917 permitted the president to close banks and regulate gold hoarding and export. Cummings personally argued the right of the government to ban gold payments before the Supreme court and won the "gold clause" cases. The department's defense of subsequent administration measures was notoriously unsuccessful, however. During 1935-1936, the Court, frequently by 5 to 4 votes, overthrew eight key statutes, including the National Industrial Recovery Act (NIRA) and the Agricultural Adjustment Act (AAA).

The obtuseness of the conservative Court majority rankled. Cummings was eager to expand the judiciary and was outraged by the proliferation of lawsuits and injunctions against the government. After the election of 1936, Roosevelt instructed him to draft legislation for court reform. Neither wished to alter the Constitution. Both were attracted by an idea proposed earlier by conservative Justice James McReynolds, to add a judge for every judge who refused to retire at age seventy at full pay. Such a measure might give the president the opportunity to appoint fifty new judges, including six to the Supreme Court. Roosevelt launched the proposal, prepared secretly by Cummings, on Feb. 5, 1937. The uproar that confronted the "court-packing plan" is well known. After 168 days the Senate killed the bill by returning it to committee.

Cummings retired on Jan 2, 1939. He entered private law practice in Washington and instituted a spring golf tournament that annually brought executives, lawyers, and politicians together. He also retained his interest in the Connecticut Democratic party, along with a residence in Greenich, and served on the Greenich Town Committee until 1951. He died in Washington, D.C.

Over 130,000 items of Cummings' manuscripts and other material are in the Alderman Library of the University of Virginia. A series of lectures, which he delivered at the University of Virginia, is printed under the title "Liberty Under Law and Administration" (1934). The brief of the Israel case appears in the "Journal of the American Institute of Criminal law and Criminology," (Nov 1924). There is no full-length or recent biography treatment of Cummings. Brief and incomplete sketches are in George Creel, "The Tall Man," Colliers, Jan 4, 1936. Encyclopedia of Connecticut Biography.II (1917); William A. Kelly, "Honorable Homer Cummings, Attorney General of the United States-A Bigraphical Sketch," "bulletin of the New Haven County Bar Association," Jan 1934; and Samuel J. Woolf, "Cummings Sees the Law as a Living Thing," New York Times magazine, Sept. 3, 19_3. The obituaries in the Stamford Advocate and New York Times of Sept. 11, 1956 are full. A photograph and a short biography are included in "Selected Papers." Insights into Cummings political role appear in Rav. S. Baker, "Woodrow Wilson." (VIII, 1939) Frank Freidel, Franklin D. Roosevelt (1956); Harold Ickes, "The Secret Diary of Harold Ickes," I (1953) and II (1954); and Robert K. Murray, "The 103 Ballot," (1976). The court-packing crisis is detailed in Joseph Alsop and Turner Catledge, "The 168 Days," (1938) David L. Mazza has written a PhD. diss on "the Political Contributions of Homer S. Cummings From Bryan Through Wilson, 1896-1925, "St Johns Univeristy, New York (1978). Several reminiscences in the Columbia University Oral History Collections have substantial material on Cummings, particularly those by Justice Robert H. Jackson and Frances Perkins, Estelle F. Feinstien.

---

1 **Homer Stilles CUMMINGS** b: April 30, 1870 in Cook County, Illinois., at home, on Chicago Ave.
d: September 10, 1956 in Washington, D.C.
. +**Helen W. SMITH** m: June 28, 1897
..... 2 **Dickinson Schuyler CUMMINGS** d: Aft. 1929
*2nd Wife of Homer Stilles Cummings:
. +**Marguerite T. OWINGS** m: December 15, 1909
*3rd Wife of Homer Stilles Cummings:
. +**Mary Cecila WATERBURY** m: 1929 d: 1939
*4th Wife of Homer Stilles Cummings:
. +**Julia ALTER** m: 1942 d: 1955

Return to Main ICFA page
Page last updated Saturday, 15 December 2001
Copyright ©2001 Isaac Cummings Family Association - All rights reserved
Contact ICFA Webmaster

National Archives

Washington, DC 20408

Date: March 29, 2002

Reply to
Attn. of: NWCTB-2204677-RE

Subject: RG 59, State Department, 811.111 Alfred Rahn

To: Ruth Budd
24 Percy Road
Lexington, MA 02421-5648

✓ 1. Fred Romanski, Civilian Records, referred your request to me concerning case file 811.111 Rahn, Alfred.

✓ 2. The price quoted on the enclosed form is only an estimate; we will determine the actual cost at the time of copying. If your payment does not sufficiently cover the cost of copying we will request additional funds before releasing the reproductions. If your payment exceeds the amount required, we will refund the balance. *Note: Page counts are estimated and the actual number of pages may vary significantly. This can affect the final order cost.*

✓ 3. If you wish to order the complete case files by check or money order (payable to "NATF-NWCTB"), send it with the enclosed order form to the National Archives Trust Fund Board, P.O. Box 100793, Atlanta, GA 30384. If instead you wish to pay by using a MasterCard, Discover, or VISA credit card, you should return the enclosed form (annotated with type of credit card, account number, expiration date, and your signature) to the Cashier (NAT), National Archives at College Park, 8601 Adelphi Road, College Park, MD 20740-6001, or fax this form, along with your credit card information, to our cashier at 202-501-5167.

Sincerely,

William R. Ellis

WILLIAM R. ELLIS, JR.
Archivist
Old Military and Civil Records
Textual Archives Services Division

NNB 03/03

National Archives and Records Administration

QUOTATION FOR REPRODUCTION SERVICES

4/6/02

Return one copy of this quotation with your payment and retain a copy for your records.

Check Amount $ _____

Money Order Amount $ _____

Please make check or money order payable to: NATFB. (All payments must be made in U.S. dollars, drawn on a U.S. bank). Send your ***check or money order*** *to: National Archives Trust Fund, PO Box 100793, Atlanta, GA 30384-0793*

Customer ID	PUB00022563
Master Number	608072
SOP Number	QRR00000000021366
Date Prepared	3/29/02
Site ID	NWCTB
Prepared by	NWCTB Robert Ellis

__ Credit Card *We accept VISA, MasterCard, American Express, and NOVUS (Discover, Bravo, Private Issue).*

__/__/__/__ __ Deposit Account Number _____

___/___ Exp. Date

_____ Signature

__ Purchase Order *(See instructions.)*

Send your ***credit card and deposit account orders, or purchase orders,*** *to: National Archives Trust Fund, Cashier (NAT), 8601 Adelphi Road, College Park, MD 20740-6001.*

Who should we contact regarding this order? *(Name and phone number)*
NNB

Optional Expedited Shipping *(See instructions.)*
Your Shipping Company *Your Shipping Account Number*

Item Number	Description	Qty Ordered	Unit Price	Cost
REP0006C	Paper-paper copies/Description RG 59, State Department, VISA Case Files, 1933-40, 811.111, Rahn, Alfred, Box 1500, tabbed, 16W1/7/12/4.	142	$0.50	$71.00

Subtotal:	$71.00
Freight:	$0.00
Total Amount:	$71.00

Thank you for your order

Please note: All page counts are estimates and the actual number of pages may vary significantly. This can affect the final order cost. IMPORTANT: The prices quoted are subject to change without separate notice to you. The minimum mail order amount is $10.00. Prepayment is required. See instructions.

BILL TO:
Ruth Budd
24 Percy Road

Lexington MA 02421-5648
USA

SHIP TO:
Ruth Budd
24 Percy Road

Lexington MA 02421-5648
USA

Intentional Second Exposure

NNB copy

National Archives and Records Administration

QUOTATION FOR REPRODUCTION SERVICES

4/6/02

Return one copy of this quotation with your payment and retain a copy for your records.

Check Amount $ _____

Money Order Amount $ _____

Please make check or money order payable to: NATFB. (All payments must be made in U.S. dollars, drawn on a U.S. bank). Send your ***check or money order*** *to: National Archives Trust Fund, PO Box 100793, Atlanta, GA 30384-0793*

Customer ID	PUB00022563
Master Number	608072
SOP Number	QRR00000000021366
Date Prepared	3/29/02
Site ID	NWCTB
Prepared by	NWCTB Robert Ellis

__ Credit Card *We accept VISA, MasterCard, American Express, and NOVUS (Discover, Bravo, Private Issue).*

__/__/__/__ __ Deposit Account Number _____

__/__ Exp. Date _____ Signature

__ Purchase Order *(See instructions.)*

Send your ***credit card and deposit account orders, or purchase orders,*** *to: National Archives Trust Fund, Cashier (NAT), 8601 Adelphi Road, College Park, MD 20740-6001.*

Who should we contact regarding this order? *(Name and phone number)*

NNB

Optional Expedited Shipping *(See instructions.)*

Your Shipping Company *Your Shipping Account Number*

Item Number	Description	Qty Ordered	Unit Price	Cost
REP0006C	Paper-paper copies/Description RG 59, State Department, VISA Case Files, 1933-40, 811.111, Rahn, Alfred, Box 1500, tabbed, 16W1/7/12/4.	142	$0.50	$71.00

Subtotal:	$71.00
Freight:	$0.00
Total Amount:	$71.00

Thank you for your order

Please note: All page counts are estimates and the actual number of pages may vary significantly. This can affect the final order cost. IMPORTANT: The prices quoted are subject to change without separate notice to you. The minimum mail order amount is $10.00. Prepayment is required. See instructions.

BILL TO:
Ruth Budd
24 Percy Road

Lexington MA 02421-5648
USA

SHIP TO:
Ruth Budd
24 Percy Road

Lexington MA 02421-5648
USA

04/19/2002 1:12:50PM

Form 72 Packing Slip

ORR25,896 NWCTB

Ruth Budd
24 Percy Road
Lexington, MA 02421 -5648
USA

Mail Immediately

Order Information (NARA use only):

Master Number: 608072
SOP Number: ORR00000000025896
Order Date: 4/10/2002

Shipping Method: BEST METHOD

Item Number	Item Description	Qty Ordered
REP0006C	Paper-paper copies/Description RG 59, State Department, VISA Case Files, 1933-40, 811.111, Rahn, Alfred, Box 1500, tabbed, 16W1/7/12/4.	147

This is not a bill. Do not send payment.
Thank you for your order.

Original-Encoded-Information-Types: IA5-Text
UA-Content-Id: 39 AG Op. 215
Autoforwarded: FALSE
Priority: Normal
Importance: Normal
Date: Tue, 15 Jan 2002 10:52:10 -0400
From: "Newport, Dede" <Dede.Newport@usdoj.gov>
Subject: 39 AG Op. 215
To: "'ruthbudd@post.harvard.edu'" <ruthbudd@post.harvard.edu> (Receipt Notification Requested) (IPM Return Requested)
X-Mailer: NetJunction (NetJunction 5.1.1-g5)/MIME

Ruth--

I looked at the book titled Selected Papers of Homer Cummings..., 1939, but the only opinions discussed were those that dealt with administration of federal justice. I also spoke to a staff member of the Office of Legal Counsel to see if there were any files, but they don't have materials before about 1945. I hope the National Archives is of some help to you.

Dede Newport
U.S. Dept. of Justice Main Library
950 PA Ave., NW, Wash., DC 20530
dede.newport@usdoj.gov
202-616-0981 fax 202-305-8700

google.com

512 Main Street,
Chatham, MA
02633-0750

CHATHAM WAYSIDE INN
SINCE 1860

508.945.5550
508.945.3407 Fax
800.391.5734
waysideinn.com

Homer Stille Cummings
- ~~Father~~ in cement business
- m. Helen W. Smith in 1897
  - son Dickinson Schuyler
- m. Marguerite T. Owings in 1909
  - dissolved in 1929
- m. Mary Cecilia Waterbury in 1929
- m. Julia Alter in 1942

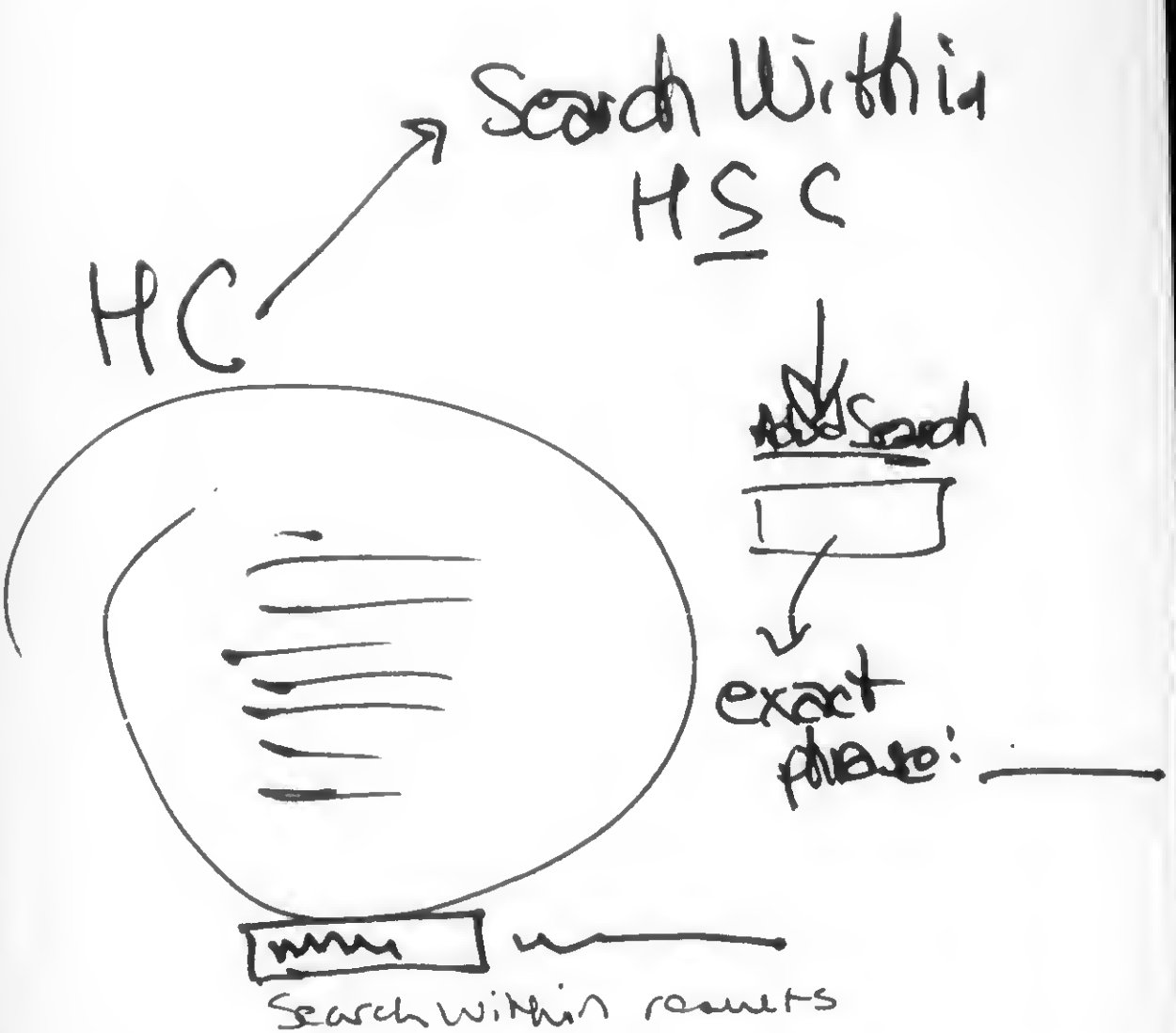
ex-Mayor of Stamford, CT
www.kidline.com/carrie/1CFA/homer.htm

memoir: The Tired Sea (1939)

512 Main Street,
Chatham, MA
02633-0750

CHATHAM WAYSIDE INN
SINCE 1860

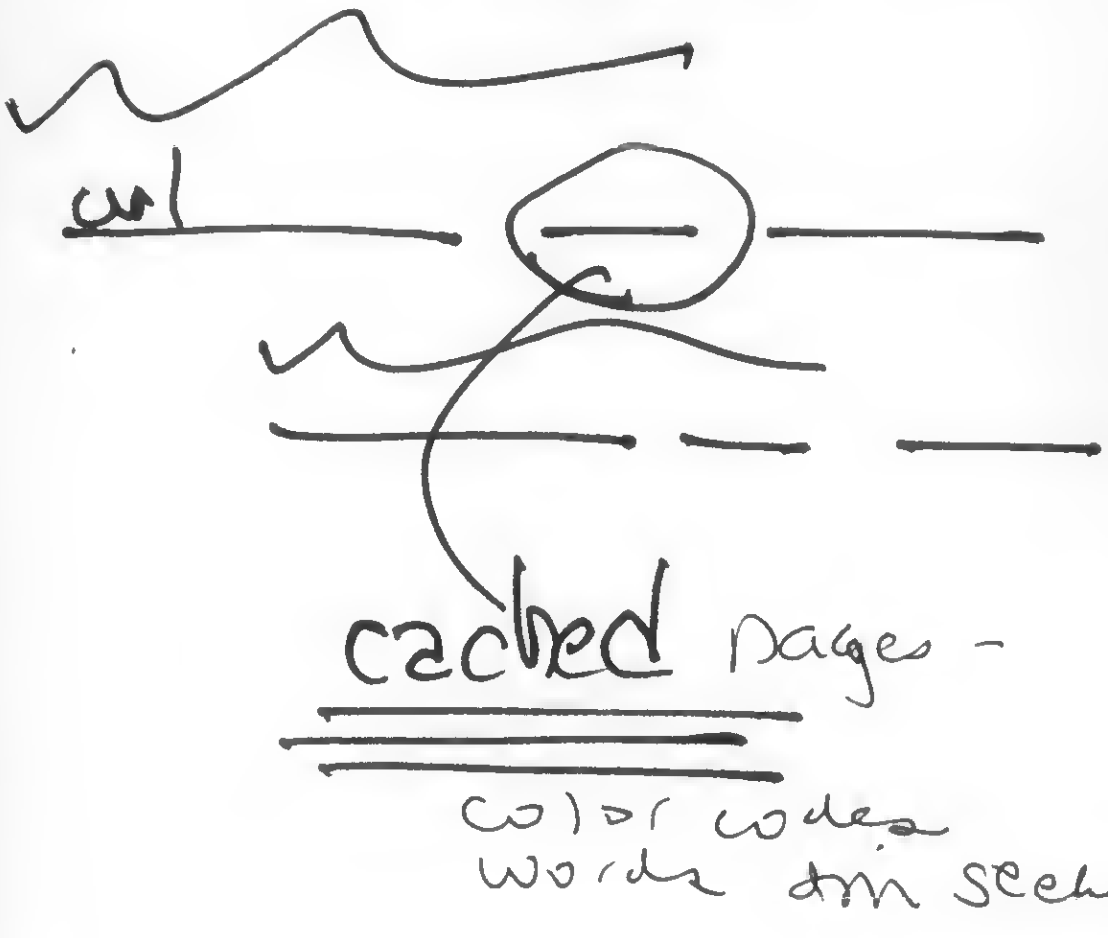
508.945.5550
508.945.3407 Fax
800.391.5734
waysideinn.com



512 Main Street,
Chatham, MA
02633-0750

CHATHAM WAYSIDE INN
SINCE 1860

508.945.5550
508.945.3407 Fax
800.391.5734
waysideinn.com



1/4/02 Bd of Imm. appeals (703) 305-0289

703 305 - 0289

Karen Drummond - (703) 605-1104

Info for Justice Dept (202) 514-2000 →

Dee Dee
Newport

Nat'l Archives: College Park, MD
Record group #60
(301) 713 - 7250

---

1. Cummings, Homer + Carl Brent Swisher. Selected Papers of Homer Cummings, AG of US 1933-39 N.Y., N.Y. Charles Scribner's Sons, 1939.

2. Liberty under law and administration, by Homer Cummings
N.Y. & C. Scribner's Sons 1934
Call # JC585. C8 1934

First Gov - website
N

~~(301) 713 6600~~

National Archives College Park, MD 301 713 ~~6800~~ 7230 x277

Fred Lamarski

~~Lexis.com~~
Conn. Historical Lib or society, or State House Lib.
Library of Congress

96

Shepardizing Cummings opinion

Sovich v. Esperdy 319 Fed 2 21 (1963)
(2nd circuit NY)
See p. 28

8 USCA §1182
Notes 9-320

Yale Law School - Lillian Goldman Law Library

Diaries of Homer Cummings - on microfilm
at Yale Law Library 1919-1956
Location - films # 142 reels # 1-4
compiled by anMarie Haskins (1977)

Selected papers of Homer Cummings 1933-39
Edited by Carl Swisher
Location - LS KF213.C859 (1972)

Included addresses, articles, letters from
personal & official files

Library

Univ. of Va. Library — (434) 924-3025

e-mail - mssbks@virginia.edu
This is the dept e-mail address for photo
copies - 25¢/page + $6.00 handling fee

TP 96 - Discretion of ~~AG~~

~~The discretion of the AG~~ The exercise of discretion under INA § 212(c) requires the AG to balance the social and humane considerations in the alien's favor against any adverse factors that demonstrate his or her undesirability as a permanent resident in the U.S.

Cordoba-Chaves v. INS (1991, CA 7) 946 F 2d 1244
Akinyemi v. INS (1992, CA 7) 969 F 2d 285)

It is the AG, not the federal courts, that is charged with making the decision whether to grant a petitioner relief from deportation or exclusion

Lopez-Prado v. US INS (1993) (CA 9) 10 F 3rd 1363, 93 CDOS 7535, 93 Daily Journal DAR 12830 reported in full (1993, CA 9) 1993 US App. LEXIS 29444 and on other grounds (1993, CA 9, Cal) 93 CDOS 9406, 93 Daily Journal 14372

TP 123 - Discretion of AG

IJ did not err in refusing to consider extreme hardship on alien's US citizen spouse in ordering alien excluded based on alien's convictions for crimes of moral turpitude since alien cannot demonstrate that AG consented to alien applying for a visa, admission to U.S. or adjustment of status, as required by 8 USCS § 1182(h).

Hernandez-Gonzalez v. Meese (1955, ND) 907 F Supp. 1224

From: LexisNexis(TM) Print Delivery <lexisnexis@prod.lexisnexis.com>
To: ruthbudd@post.harvard.edu
X-Sender: IDS Mail Supervisor
Date: Fri, 18 Jan 2002 11:06:04 -0500 (EST)
Subject: LexisNexis(TM) Email Request (968:0:44155448)

1146C5

Print Request: LEXSEE

Time of Request: January 18, 2002 11:06 am EST

Number of Lines: 951
Job Number: 968:0:44155448

Client ID/Project Name:

Research Information:

Lexsee 319 F.2d 21 at 28

Note:

PAGE 1

LEXSEE 319 F.2d 21 at 28

Stefano SOVICH, Plaintiff-Appellant, v. P. A. ESPERDY, District Director, Immigration and Naturalization Service, Defendant-Appellee

No. 211, Docket 27808

UNITED STATES COURT OF APPEALS SECOND CIRCUIT

319 F.2d 21; 1963 U.S. App. LEXIS 5293

January 18, 1963, Argued

May 15, 1963, Decided

CASE SUMMARY

PROCEDURAL POSTURE: Appellant, a native of Yugoslavia who had escaped from that country in 1956, sought review of judgment of United States District Court for Southern District of New York which granted summary judgment motion by appellee, District Director of Immigration and Naturalization Service, in an action commenced by appellant to review administrative order denying appellant's application under 8 U.S.C.S. @ 1253(h) for a stay of deportation to Yugoslavia.

OVERVIEW: Appellant, born in Yugoslavia, escaped and fled to Italy in 1956. He later entered the United States as a non-immigrant crewman on shore leave. After having remained in the United States for a longer period than authorized, he was determined to be deportable. When it appeared that appellant would not be admitted to Italy, his deportation to Yugoslavia was ordered pursuant to 8 U.S.C.S. @ 1253(a). Appellant thereafter applied to the Attorney General for a stay of deportation pursuant to 8 U.S.C.S. @ 1253(h) upon the contention that he would be subject to physical persecution if he was returned to Yugoslavia. The stay was denied despite appellant's probable incarceration for his illegal departure upon a finding that such punishment, i.e., a conviction for a crime cognizable under the recognized juridical system, was not the physical persecution contemplated by the statute. The judgment was reversed on appeal and appellant was given the opportunity to renew his application upon a finding that Congress had not precluded from relief under @ 1253(h) an alien threatened with long years of imprisonment for attempting to escape a cruel dictatorship.

OUTCOME: The judgment was reversed and cause was remanded with instructions that a stay of deportation be issued to remain in effect until appellant shall have been given the opportunity to renew his application for relief to Attorney General after the Attorney General, through his delegate, was found to have erroneously construed the limits of his discretion in ruling that imprisonment for illegal departure may never constitute physical persecution.

CORE CONCEPTS

Immigration Law : Removal & Deportation : Relief
See 8 U.S.C.S. @ 1253(h).

Immigration Law : Removal & Deportation : Relief
Immigration Law : Judicial Review : Scope & Standards of Review

319 F.2d 21, *; 1963 U.S. App. LEXIS 5293, **

An applicant under 8 U.S.C.S. @ 1253(h) is entitled to procedural due process when a refusal of the Attorney General to stay deportation is challenged in a suit for declaratory judgment. He has a right to have his application considered and this consideration must be given in conformity with the pertinent regulations promulgated by the Attorney General himself. The denial of his application must not have been actuated by considerations that Congress could not have intended to make relevant.

Immigration Law : Removal & Deportation : Relief
The proper interpretation of the phrase "physical persecution" as used in 8 U.S.C.S. @ 1253(h) is a question of law peculiarly appropriate for independent judicial ascertainment.

Immigration Law : Removal & Deportation : Relief
Under 8 U.S.C. @ 1254(a) the Attorney General is given the discretionary power to suspend deportation in the case of certain aliens who have continuously resided in the United States for some years prior to their application for relief, who have proved their good moral character during that period, and whose deportation would, in the opinion of the Attorney General, result in exceptional and extremely unusual hardship. 8 U.S.C.S. @ 1254(a). As in the case of withholding deportation under 8 U.S.C.S. @ 1253(h), the favorable exercise of the Attorney General's power to suspend deportation under @ 1254(a) is a matter of grace and rests within the sole discretion of the Attorney General or his delegate. As under @ 1253(h), the Attorney General may rely upon confidential information, unavailable to the applicant or a reviewing court, in considering an application to suspend deportation under @ 1254(a).

Immigration Law : Removal & Deportation : Relief
Immigration Law : Judicial Review : Scope & Standards of Review
Courts may review the Attorney General's construction of the statutory limits within which his discretion is to operate under 8 U.S.C.S. @ 1253(h).

Immigration Law : Removal & Deportation : Relief
"Physical persecution," as used in 8 U.S.C.S. @ 1253(h), contemplates incarceration or subjection to corporal punishment, torture, or death based usually on one's race, religion, or political opinions.

Immigration Law : Removal & Deportation : Relief
Applicants under 8 U.S.C.S. @ 1253(h) have the burden of establishing their eligibility for relief.

Immigration Law : Removal & Deportation : Relief
The Attorney General authorizes his delegates in the Immigration and Naturalization Service to consider extra-record information available from national intelligence sources, in ruling upon applications under 8 U.S.C.S. @ 1253(h).

COUNSEL:
[**1]

Edith Lowenstein, New York City, for plaintiff-appellant.

Robert M. Morgenthau, U.S. Atty., S.D.N.Y. (Roy Babitt, Sp. Asst. U.S. Atty., of counsel), for defendant-appellee.

JUDGES:
Before MEDINA, WATERMAN and MOORE, Circuit Judges.

OPINIONBY:
WATERMAN

OPINION:

[*23]

This is an appeal from an order of the United States District Court for the Southern District of New York granting a motion by the District Director of the Immigration and Naturalization Service, defendant below, for summary judgment, 206 F.Supp. 558. The action was commenced to review an administrative order denying appellant's application under Section 243(h) of the Immigration and Nationality Act of 1952, 8 U.S.C. @ 1253(h), for a stay of his deportation to Yugoslavia. The primary question presented is whether the Attorney General, through his delegate, the Regional Commissioner of the I.N.S., correctly interpreted the statutory standard in ruling that appellant would not be subject to 'physical persecution' were he deported to Yugoslavia.

Stefano Sovich was born in 1925 in the City of Cres, on the Istrian Peninsula. The territory was then in Italy and now is part of [**2] Yugoslavia. In 1956, Sovich, after several unsuccessful attempts, escaped from Yugoslavia and fled to Italy, where he was received as a refugee and where he remained for one year. In 1957 he found employment on a Panamanian vessel and, on October 12, 1958, entered the United States as a non-immigrant crewman for a 29-day period of shore leave.

On January 16, 1959, Sovich having remained in the United States for a longer period than authorized, was served with an order to show cause why he should not be deported. At his deportation haring, appellant conceded deportability, but was granted, upon request, the privilege of voluntary departure to Italy. 8 U.S.C. @ 1254(e). When it subsequently appeared that Sovich would not be admitted to Italy, however, his deportation to Yugoslavia was ordered. 8 U.S.C. @ 1253(a).

On September 22, 1959, Sovich applied to the Attorney General for a stay of deportation pursuant to Section 243(h), which provides:

'The Attorney General is authorized to withhold deportation of any alien within the United States [**3] to any country in which in his opinion the alien

would be subject to physical persecution and for such period of time as he deems to be necessary for such reason.'

Appellant was thereafter interrogated, on October 9, 1959, by a Special Inquiry Officer of the Immigration and Naturalization Service in accordance with the regulations of the Attorney General then in effect. 8 C.F.R. 243.3(b) (2) (1958).

In his testimony before the Special Inquiry Officer Sovich told of his life in Yugoslavia, of his opposition to Communism on religious and political grounds, of statements against the regime which he had made to friends, of being questioned by the Yugoslav officials and warned against further opposition to

the regime, and, finally, of his escape from Yugoslavia and flight to Italy. Appellant further testified that he feared he would be imprisoned for his anti-communistic beliefs and statements, or for his illegal departure from the country, in the event of his return to Yugoslavia.

On October 21, 1959, the Special Inquiry Officer recommended a denial of appellant's application on the ground that Sovich had failed to establish that he would be subject to physical persecution if deported [**4] to Yugoslavia. The officer stated:

'Since the applicant was not in any way mistreated after these alleged [*24] utterances were reported to the authorities, it seems reasonable to believe that he would not now be persecuted therefor upon his return. While it may be true that he may be punished for his illegal departure from Yugoslavia such punishment is not the physical persecution contemplated by the statute. The statute contemplates persecution visited upon the alleged offender in the form of corporal punishment, torture or death because of race, religion or political opinion. Here the punishment which the applicant fears he might suffer would apparently be after conviction for a crime cognizable under the recognized juridical system. That is not persecution.'

The Regional Commissioner for the Northeast Region of the I.N.S. (to whom the Attorney General had delegated his authority under the administrative system then in effect, 8 C.F.R. @ 243.3(b)(2) (1958)), concurred in the opinion of the Special Inquiry Officer, and ordered that Sovich's application under Section 243(h) be denied.

Appellant thereupon commenced this action in the District Court and seeks a declaration [**5] that the denial of his application was based upon an erroneous interpretation of Section 243(h).

We are confronted, at the outset, with the problem of determining the scope

of our powers to review actions of the Attorney General, or his delegates, under Section 243(h) of the Immigration and Nationality Act of 1952.

In United States ex rel. Leong Choy Moon v. Shaughnessy, 218 F.2d 316, 318 (2 Cir. 1954), we stated that 'In the field of immigration and nationality Congress has vested the executive branch of the Government with wide discretionary powers, and the scope of judicial review is closely circumscribed.' The language of Section 243(h) itself makes clear that the decision whether an alien would be physically persecuted on return to his native country rests solely with the Attorney General or his delegate. Ibid.; Blazina v. Bouchard, 286 F.2d 507, 511 (3 Cir. 1961), cert. denied, 366 U.S. 950, 81 S.Ct. 1904, 6 L.Ed.2d 1242. 'The very nature of the decision * * * concerning what the foreign country is likely to do is a political issue into which the courts should not intrude.' United States ex rel. Dolenz v. Shaughnessy, 206 F.2d 392, 395 (2 Cir. 1953); [**6] see Chicago & Southern Air Lines v. Waterman S.S. Corp., 333 U.S. 103, 111, 68 S.Ct. 431, 92 L.Ed. 568 (1948). In formulating that decision, the Attorney General has access to, and may under appropriate circumstances rely upon, State Department material and intelligence information which is unavailable to a reviewing court. Diminich v. Esperdy, 299 F.2d 244, 246 (2 Cir. 1961), cert. denied, 369 U.S. 844, 82 S.Ct. 875, 7 L.Ed.2d 848 (1962); United States ex rel. Dolenz v. Shaughnessy, supra; see Jay v. Boyd, 351 U.S. 345, 76 S.Ct. 919, 100 L.Ed. 1242 (1956). Moreover, as with the Attorney General's power to suspend deportation under Section 244(a) of the Act, the

favorable exercise of his discretion to withhold deportation under Section 243(h) 'is manifestly not a matter of right under any circumstances, but rather is in all cases a matter of grace.' Jay v. Boyd, 351 U.S. at 354, 76 S.Ct. at 924; Chao-Ling Wang v. Pilliod, 285 F.2d 517, 520 (7 Cir. 1960); Zupicich v. Esperdy, 207 F.Supp. 574, 581 (S.D.N.Y.1962).

Nevertheless, the [**7] applicant under Section 243(h) is not without rights which may be judicially enforced when, as here, the refusal of the Attorney General to stay deportation is challenged in a suit for declaratory judgment. The applicant is entitled to procedural due process. United States ex rel. Leong Choy Moon v. Shaughnessy, supra. He has a right to have his application considered, Blazina v. Bouchard, supra, and this consideration must be given in conformity with the pertinent regulations promulgated by the Attorney General himself. Milutin v. Bouchard, 370 U.S. 292, 82 S.Ct. 156, 8 L.Ed.2d 501 (1962). [*25] The denial of his application must not have been 'actuated by considerations that Congress could not have intended to make relevant.' Cf. United States ex rel. Kaloudis v. Shaughnessy, 180 F.2d 489, 491 (2 Cir. 1950); Blazina v. Bouchard, 286 F.2d at 511.

Whether the courts, in reviewing action under Section 243(h), may properly consider the standard employed by the Attorney General's delegates, as

distinguished from procedural fairness, is a question not yet expressly [**8] ruled upon in this circuit. Cf. Diminich v. Esperdy, 299 F.2d 244, 248 (2 Cir. 1961). In Dunat v. Hurney, 297 F.2d 744 (1961), (297 F.2d 753 (1962) on rehearing in banc), however, the Third Circuit ruled that the proper interpretation of the phrase 'physical persecution' in Section 243(h) is a question of law 'peculiarly appropriate for independent judicial ascertainment.' 297 F.2d at 746. The court there held that the Attorney General's delegate had erroneously interpreted the provision in stating that 'the fact that the applicant might be denied employment for church membership or for failure to join the Communist Party is * * * not within the import of the term 'physical persecution." Ibid.

In other cases the courts have expressly approved the Attorney General's construction of Section 243(h), thereby indicating their willingness to entertain an attack upon the standards employed in its administration. E.g., Diminich v. Esperdy, 299 F.2d 244, 246 (2 Cir. 1961) ('* * * Diminich's claims were simply of 'difficulties'; repugnant as [**9] we find such interference with religious observance and freedom of association to be, 'difficulties' are not the 'physical persecution' which Congress chose to make the sole factor warranting a stay of deportation * * *'); Blazina v. Bouchard, 286 F.2d 507, 511 (3 Cir. 1961) ('At worst, it appears that (appellant) will be 'looked down upon' and will encounter some 'complications'. * * * The repugnance of such a governmental policy to our own concepts of religious freedom cannot, however, justify our labelling such actions as 'physical persecution'. Nor can the three-month prison sentence to which Blazina may be subjected as punishment for deserting his ship or his country illegally be termed physical persecution. The phrase 'physical persecution' should be taken to mean confinement, torture or death inflicted on account of race, religion, or political viewpoint.' Chao-Ling Wang v. Pilliod, 285 F.2d 517, 520 (7 Cir. 1960) ('A prosecution before a military tribunal convened pursuant to laws of a foreign state to try offenses committed by a member of the military forces of that country, cannot be construed to be physical persecution under (Section 243(h)). [**10] ').

Persuasive authority for our power to review administrative interpretations

of @ 243(h) may be drawn from cases in which the courts have independently construed related provisions in the Immigration and Nationality Act of 1952 or the Immigration Act of 1917. Under @ 244(a) of the Act of 1952, 8 U.S.C. @ 1254(a), (formerly 19(c) of the Immigration Act of 1917, 8 U.S.C. @ 155(c)) the Attorney General is given the discretionary power to suspend deportation in the case of certain aliens who have continuously resided in the United States for some years prior to their application for relief, who have proved their 'good moral character' during that period, and 'whose deportation would, in the opinion of the Attorney General, result in exceptional and extremely unusual hardship * * *.' 8 U.S.C. @ 1254(a). As in the case of withholding deportation

under @ 243(h), the favorable exercise of the Attorney General's power to suspend deportation under @ 244(a) is a matter of grace and rests within the sole discretion of the [**11] Attorney General or his delegate. Jay v. Boyd, 351 U.S. 345, 354, 76 S.Ct. 919, 100 L.Ed. 1242 (1956); Cavallaro v. Lehmann, 264 F.2d 237 (6 Cir. 1959). Again, as under Section 243(h), the Attorney General may rely upon confidential information, unavailable to the applicant or a reviewing court, in considering an application to suspend [*26] deportation under Section 244. Jay v. Boyd, supra; United States ex rel. Matranga v. Mackey, 210 F.2d 160 (2 Cir. 1954), cert. denied, 347 U.S. 967, 74 S.Ct. 778, 98 L.Ed. 1109.

Nevertheless, the courts have repeatedly granted relief to deportable aliens where it has appeared that the Attorney General has misconstrued the limits or terms of his discretionary power under @ 244(a) or its predecessor statute.

In McLeod v. Peterson, 283 F.2d 180 (3 Cir. 1960), petitioner had been denied suspension of deportation under @ 244(a)(2) on the ground that he had not been 'present in the United States for a continuous period of * * * five years' as required by the statute. Ruling that petitioner's temporary absence from the country was caused by an initial 'erroneous [**12] deprivation of the appellant's right to discretionary relief,' the court held that his departure, under those circumstances, did 'not interrupt the continuity of his presence in the United States within the meaning of that specific statutory provision.' 283 F.2d at 187. The court thereupon directed that appellant's deportation be stayed pending a new application to the Attorney General for discretionary relief. In United States ex rel. Exarchou v. Murff, 265 F.2d 504 (2 Cir. 1959), this court granted similar relief under @ 19(c) of the Immigration Act of 1917, holding that the Attorney General, through his delegate, had erroneously denied appellant's application for suspension of deportation on the ground that appellant had failed to prove his good character. 'The statute,' we said, 'makes good character itself, not a reputation for it, the finding necessary to the Service's decision. * * * Thus we cannot accept the Service's alternative conclusion that, even if Exarchou truthfully described his conduct, 'a married man is not free to carry on such a relationship and still be considered one of good character." 265 F.2d at 507.

In Pagano v. Brownell, 227 F.2d 36 (D.C.Cir.1955), [**13] appellant had been denied suspension of deportation under @ 19 on the ground that a prior criminal conviction involved moral turpitude and thus rendered him ineligible for discretionary relief. Finding in subsequent actions of the Attorney General's delegate some indication that appellant's prior conviction had not involved moral turpitude, the Court of Appeals for the District of Columbia remanded the cause, directing that the district court 'should determine whether * * * the Attorney General had discretion to suspend appellant's deportation, and if so, should direct him to exercise it.' 227 F.2d at 37. And see United States ex rel.

Zacharias v. Shaughnessy, 221 F.2d 578 (2 Cir. 1955).

The Supreme Court has itself undertaken to review statutory constructions of the Attorney General in deportation cases where discretionary relief was denied. See McGrath v. Kristensen, 340 U.S. 162, 71 S.Ct. 224, 95 L.Ed. 173 (1950) (holding that because of erroneous construction of a related statute, the Attorney General unjustly refused to suspend appellant's deportation under @ 19(c) of the Immigration Act of 1917); United States ex rel. Hintopoulos v. Shaughnessy, 353 U.S. 72, 77, 77 S.Ct. 618, 1 L.Ed.2d 652 (1957) [**14] ('it is clear from the record that the Board applied the correct legal standards in deciding whether petitioners met the statutory prerequisites for suspension of deportation.') And see Delgadillo v. Carmichael, 332 U.S. 388, 68 S.Ct. 10, 92 L.Ed. 17 (1947); Fong Haw Tan v. Phelan, 333 U.S. 6, 68 S.Ct. 374, 92 L.Ed. 433 (1948).

Reason as well as authority supports the position that the standards employed by the Attorney General in exercising his discretion under @ 243(h) are subject to judicial review. The Attorney General's assessment of the conditions obtaining in any particular country, is, of course, a political matter, a 'question of fact.' It is equally clear, we believe, that the standards by which those condition are to be judged -- what Congress meant by the expression 'physical persecution' – is a question of law. For the courts to rule upon that issue is not an intrusion into the Attorney General's [*27] discretion. It is rather an interpretation of the statutory prerequisites to any proper exercise of his discretion.

Not all statutory schemes for administrative regulation are properly subject to judicial construction, of course. [**15] The interpretation or elaboration of a statutory pattern occasionally lies within the special expertise of the agency charged with its enforcement. Under these circumstances the courts have readily deferred to the administrative judgment, whether the question be labeled one of 'fact' or of 'law.' E.g., N.L.R.B. v. Local 182, I.B.T., 314 F.2d 53 (2 Cir. Jan. 28, 1963); Moog Industries v. F.T.C., 355 U.S. 411, 78 S.Ct. 377, 2 L.Ed.2d 370 (1958); Railroad Commission of Texas v. Rowan, Nichols Oil Co., 310 U.S. 573, 60 S.Ct. 1021, 84 L.Ed. 1368 (1940); N.L.R.B. v. Standard Oil Co., 138 F.2d 885 (2 Cir. 1943); and see generally 4 Davis, Administrative Law 30 @ (1958). Here, however, no problem of administrative expertise arises. Section 243(h), like its predecessor statute, reflected the humanitarian concern of Congress that aliens should not be expelled from our shores into the hands of totalitarian regimes unwilling to recognize even elementary standards of human decency. Neither the Attorney General nor his delegates in the Immigration and Naturalization Service are better able than we to gauge the bounds of that Congressional [**16] concern, and thus to define the limits within which the Attorney General's discretion is to operate.

It is suggested that even if the courts undertook to review the standards

employed by the Attorney General's delegate under @ 243(h), they would have no means of knowing whether standards decreed by them were being applied in the light of the extra-record material relied upon by the Attorney General in making his determinations. Under administrative regulations now in effect, such reliance upon confidential information may be sharply limited by the requirement of a prior determination that disclosure of such information would be prejudicial to the interests of the United States, 8 C.F.R. 242.17(c); Milutin v. Bouchard, 370 U.S. 292, 82 S.Ct. 156, 8 L.Ed.2d 501 (1962). Moreover, we are unwilling to accept a necessary premise of the argument advanced: that having

received our authoritative construction of the statutory standard to be employed under @ 243(h), the Attorney General would cloak his disregard of that standard behind factual determinations based upon information unavailable to a reviewing court.

We hold that the [**17] courts may review the Attorney General's construction of the statutory limits within which his discretion is to operate under Section 243(h).

We are brought thus to the merits. In his recommendation that appellant's application be denied, the Special Inquiry Officer stated, as set forth above:

'While it may be true that (Sovich) may be punished for his illegal departure from Yugoslavia such punishment is not the physical persecution contemplated by the statute. The statute contemplates persecution visited upon the alleged offender in the form of corporal punishment, torture or death because of race, religion or political opinion. Here the punishment which the applicant fears he might suffer would apparently be after conviction for a crime cognizable under the recognized juridical system. That is not persecution.'

In effectuating the Inquiry Officer's recommendation of denial, the Regional Commissioner for the Northeast Region of the I.N.S. 'concur(red) in the opinion of the Special Inquiry Officer that this applicant would not be physically persecuted if deported to Yugoslavia,' not merely in the Officer's ultimate conclusion [**18] that discretionary relief should be denied. The Commissioner made no attempt to negative the assumption of the Inquiry Officer that Sovich might well be subject to punishment for his illegal departure from Yugoslavia, nor did the Commissioner disclaim the standard upon which the Officer's recommendation was based.

[*28] Under these circumstances it is fairly to be inferred, we believe, that the Regional Commissioner, as the Attorney General's delegate, adopted the standard employed by the Inquiry Officer in denying appellant's application under @ 243(h). It would be anomalous for one official to profess concurrence in the judgment of another, knowing full well that the substance of the matters

decided was not the same, and that the supposed concurrence went merely to a similarity of verbal expression.

An analysis of the Inquiry Officer's statement, quoted above, reveals three assumptions which underlie his conclusion that imprisonment for illegal departure from Yugoslavia would not be the physical persecution contemplated by the statute:

1. 'Punishment * * * after conviction for a crime cognizable under the recognized juridical system * * * is not persecution.' We have [**19] no doubt that an alien fugitive from punishment for a traditional crime could not ordinarily claim the benefits of Section 243(h). It was not the intent of Congress to make the United States a refuge for common criminals by operation of this humanitarian statute. The memory of Hitler's atrocities and of the legal system which he corrupted to serve his purposes, however, are still too fresh for us to suppose that physical persecution may not bear the nihil obstat of a 'recognized juridical system.' These same events, indeed, led this country to recognize that even traditional crimes may involve no moral turpitude, within the purview of American immigration laws, when their commission was 'incidental to the * * * flight from great persecution or oppression by nations * * *

against large racial, religious or political minorities.' 39 Op.Atty.Gen. 215-227.

2. 'The statute contemplates (only) persecution * * * because of race, religion or political opinion.' General prohibitions against departure from a country do not, of course, define traditional crimes in Western societies. They are the product of modern dictatorships able to control long borders and the movements [**20] of their people within them. Indeed, the recent history of Eastern European countries and current events in Berlin would seem to suggest that such prohibitions are a prerequisite to the repressions that communistic regimes impose upon their subjects.

Devotees of such regimes do not risk life and limb to violate statutes prohibiting departure. It would be naive to suppose, therefore, that punishment for illegal departure, under these circumstances, is not politically motivated, or does not constitute punishment 'because of * * * political opinion.'

3. 'The statute contemplates persecution * * * in the form of corporal punishment, torture or death.' In so formulating the standard to be applied under @ 243(h), the Special Inquiry Officer made a significant omission from previous formulations approved by the Attorney General and the courts:

'The phrase 'physical persecution' should be taken to mean confinement, torture, or death inflicted on account of race, religion, or political

viewpoint.' (Emphasis supplied). Blazina v. Bouchard, 286 F.2d 507, 511 (3 Cir. 1961).

'Physical [**21] persecution contemplates incarceration or subjection to corporal punishment, torture, or death based usually on one's race, religion, or political opinions.' (Emphasis supplied.) Matter of Kale, Adm.Dec. A9555532 (1958).

The Kale decision was forwarded to Regional Commissioners in May, 1958, with instructions that decisions as to all Yugoslav crewmen who had entered since 1945 and had been in Yugoslavia at some time since that date should be 'based upon the criteria' stated therein. See Diminich v. Esperdy, 299 F.2d 244, 246 (2 Cir. 1961). By his failure to allege the threat of torture or death, therefore, as distinguished from simple incarceration, appellant was not precluded from having his application considered under @ 243(h).

[*29] We do not suggest, of course, that all incarceration, whatever its duration or whatever its assigned justification, would constitute physical persecution within the purview of the statute. The courts have held that a brief period of incarceration for a seaman who has deserted his ship, or 'a prosecution before a military tribunal convened pursuant to laws of a foreign state to try offenses committed by a member of the military [**22] forces of that country' would not constitute physical persecution under @ 243(h). Chao-Ling Wang v. Pilliod, 285 F.2d 517, 520 (7 Cir. 1960); Blazina v. Bouchard, 286 F.2d 507, 511 (3 Cir. 1961). Without more, the alien's punishment, under these circumstances, might realistically be compared to his liabilities within our system of law were he to violate traditional statutory or contractual duties.

We do not suggest that any incarceration for even political crimes, such as the one here involved, would constitute physical persecution under @ 243(h).

However repugnant to our own concept of justice, a brief confinement for illegal departure or for political opposition to a totalitarian regime would not necessarily fall within the ambit of Congress's special concern in enacting this provision. We are unwilling to believe, however, that Congress has precluded from relief under @ 243(h) an alien threatened with long years of imprisonment, perhaps even life imprisonment, for attempting to escape a cruel dictatorship. Such a construction of the statute would attribute to Congress an insensitivity to human suffering wholly inconsistent with our national history. [**23]

We hold, therefore, that the Attorney General, through his delegate, erroneously construed the limits of his discretion in ruling that imprisonment for illegal departure may never constitute 'physical persecution' within the purview of @ 243(h).

The Government now argues that, even assuming the Attorney General's use of an erroneous standard in denying appellant's application, we should review the record ourselves and rule that, under the most generous standard applicable, appellant has failed to establish a case for discretionary relief.

We cannot say that such a case has been established on the record before us. Although the Government appears to concede the possibility of appellant's incarceration should he be returned to his native country, the nature, duration and grounds for that threatened punishment are disputed.

Such a record is not uncommon in the case of applications under @ 243(h), of course. Although applicants under this provision have the burden of establishing their eligibility for relief, they are often, like Sovich, unlettered persons who have been away from their [**24] native countries for many years. They typically have available to them no better methods for ascertaining current political conditions abroad than does the average citizen -- or than does this court.

We believe it is for this reason, as well as to avoid prejudicing national interests, that the Attorney General has authorized his delegates in the Immigration and Naturalization Service to consider extra-record information available from national intelligence sources, in ruling upon applications under @ 243(h). Inasmuch as that information might as well be favorable as unfavorable to appellant's contentions, we cannot say how the Attorney General's delegate would rule upon appellant's application were he to consider it anew under the standards herein set forth. See Securities and Exchange Commission v. Chenery Corp., 318 U.S. 80, 63 S.Ct. 454, 87 L.Ed. 626 (1943).

The judgment of the district court dismissing appellant's complaint is, accordingly, reversed, and the cause is remanded with instructions that a stay of deportation be issued to remain in effect until appellant [**25] shall have been given the opportunity to renew his application to the Attorney General under @ 243(h).

CONCURBY:
MEDINA

CONCUR:

MEDINA, Circuit Judge (concurring).

I concur. I cannot agree with my brother Moore's statement that our holding in this case amounts to 'undertaking a gigantic task of world paternalism' or that it opens the way to 'bizarre and undesirable results.' On the contrary, on this record, the remand for further consideration seems to me to be an act of simple justice.

Section 243(h), referred to in both the majority and the dissenting opinions, authorizes the Attorney General to withhold deportation to any country in which in his opinion the alien would be subject to 'physical persecution.' I do not see how the rulings of the Special Inquiry Officer and the Regional Commissioner can mean anything other than that imprisonment for illegal departure may never constitute 'physical persecution.' If this is so, the construction thus given to the statute is not only utterly repugnant to our national traditions and history, it is also patently inconsistent with the intention of the Congress in enacting Section 243(h). A decision based upon such misreading [**26] of the law must necessarily be capricious and arbitrary.

Even if we assume, as seems to be suggested by my brother Moore, that there is something vaguely ambiguous about the rulings of the Special Inquiry Officer and the Regional Commissioner, and that the correct governing standards were understood by these officials sub silentio, n1 this is mere unsubstantiated hypothesis. The so-called ambiguity can readily be resolved upon the remand, and, in view of the drastic consequences to which Sovich may be exposed and the pervasive humanitarian concern of the Congress in enacting Section 243(h) (see Chi Sheng Liu v. Holton, 9 Cir., 1961, 297 F.2d 740, 741-742; United States v. Esperdy, S.D.N.Y., 1960, 188 F.Supp. 491, 498-499), it seems to me to be our clear duty to remand the case for further proceedings. n2

----------Footnotes----------

n1. This position finds its parallel in the dissenting opinion in Dunat v. Hurney, 3 Cir., 1961, 297 F.2d 744, 749, which was rejected by a majority in that case and apparently by eight members of the Court on reargument in banc, 297 F.2d 753 (1962). This Court's critical discussion of Dunat in Diminich v. Esperdy, 2 Cir., 1961, 299 F.2d 244, 247-248, cert. denied, 1962, 369 U.S. 844, 82 S.Ct. 875, 7 L.Ed.2d 848, is without application to the instant case where the language of the Special Inquiry Officer's opinion quoted by Judge Waterman cannot be ignored.

While I find the standard adopted in the prior hearing to be patently erroneous, the error may not have appeared to the Special Inquiry Officer and the Regional Commissioner, who may have been misled by the broad language of cases which hold that under particular circumstances imprisonment for crimes cognizable under a foreign juridical system would not constitute 'physical persecution.' See Kalatjis v. Rosenberg, 9 Cir., 1962, 305 F.2d 249, 252; Blagaic v. Flagg, 7 Cir., 1962, 304 F.2d 623, 627; Diminich v. Esperdy, supra, 299 F.2d at 246; Blazina v. Bouchard, 3 Cir., 1961, 286 F.2d 507, 511, cert.

denied, 366 U.S. 950, 81 S.Ct. 1904, 6 L.Ed.2d 1242. [**27]

n2. At the very least, in view of the substantial doubts as to the standard employed in the prior hearing, Sovich would seem to be entitled to have us reverse and remand for a clarification on this issue. Cf. Townsend v. Sain, 1963, 372 U.S. 293, 315, fn. 10, 83 S.Ct. 745, 9 L.Ed.2d 770; Minnesota v.

National Tea Co., 1940, 309 U.S. 551, 60 S.Ct. 676, 84 L.Ed. 920; Herb v. Pitcairn, 1945, 324 U.S. 117, 65 S.Ct. 459, 89 L.Ed. 789. In the circumstances of this case, in order that the Service may have the benefit of Judge Waterman's elaboration of the governing standards, and also to accord to Sovich the advantage of the new procedures established by regulations in force subsequent to the date of his hearing (see Milutin v. Bouchard, 1962, 370 U.S. 292, 82 S.Ct. 156, 8 L.Ed.2d 501, vacating and remanding, 3 Cir., 1962, 299 F.2d 50; Zupicich v. Esperdy, S.D.N.Y., 1962, 207 F.Supp. 574, 580, fns. 13-14), it seems just that Sovich should receive a new hearing.

----------End Footnotes----------

DISSENTBY:
MOORE

DISSENT:

LEONARD P. MOORE, Circuit Judge [**28] (dissenting).

Appellant, Stefano Sovich, brought a declaratory judgment action in the district court, seeking an order declaring 'arbitrary and capricious' the Attorney General's refusal to stay his deportation [*31] to Yugoslavia on the claim of physical persecution pursuant to Section 243(h) of the Immigration and Nationality Act (8 U.S.C. @ 1253(h)). The trial court granted the cross-motion by defendant District Director of the Immigration and Naturalization Service for summary judgment. Sovich appeals.

In addition to the facts stated in the majority opinion, the record of the hearing before the Special Inquiry Officer discloses that Sovich resided in Yugoslavia from his birth in 1925 until his departure in 1956. During that period, he went to school through the fifth elementary grade and thereafter worked on his father's farm or as a fisherman. He testified that he never belonged to the Communist Party, was never politically active, and never publicly expressed himself against Communism in his town, but privately confided his opposition to friends. He believes that one of them reported him to the

authorities and he was warned early in 1956 [**29] by a local official to desist from making such utterances and he did so desist. He conceded that while he was in Yugoslavia he was never physically harmed or mistreated and was never imprisoned or charged with any crime. Sovich expressed the fear that if he returned to Yugoslavia he would be jailed because he 'escaped' n1 and because he is opposed to Communism. The Special Inquiry Officer recommended that appellant's application be denied.

----------Footnotes----------

n1. Sovich has failed to refer this court to any Yugoslav statute making unlawful departure a punishable act or to any Yugoslav practice of punishing those who flee the country.

----------End Footnotes----------

An admittedly deportable alien challenging the refusal of the Attorney

General to relax deportation under Section 243(h) has certain lines of attack available to him. He can complain that he has been denied 'appropriate procedural due process' in that his application has not been given a fair consideration, that such consideration was not given in accordance with the pertinent regulations promulgated [**30] by the Attorney General, or that he was not given the opportunity to present evidence on the subject of his persecution. See Foti v. Immigration and Naturalization Service, 308 F.2d 779 (2d Cir. 1962) (en banc); Batistic v. Pilliod, 286 F.2d 268 (7th Cir.) cert. denied 366 U.S. 935, 81 S.Ct. 1660, 6 L.Ed.2d 847 (1961); Blazina v. Bouchard, 286 F.2d 507 (3rd Cir.) cert. denied, 366 U.S. 950, 81 S.Ct. 1904, 6 L.Ed.2d 1242 (1961); Cakmar v. Hoy, 265 F.2d 59 (9th Cir. 1959); United States ex rel. Moon v. Shaughnessy, 218 F.2d 316 (2d Cir. 1954); United States ex rel. Dolenz v. Shaughnessy, 206 F.2d 392 (2d Cir. 1953). Appellant raises no such claim here. He may complain that the denial of @ 243(h) relief has been actuated by 'considerations that Congress could not have intended to make relevant', United States ex rel. Kaloudis v. Shaughnessy, 180 F.2d 489, 491 (2d Cir. 1950); United States ex rel. Hintopoulos v. Shaughnessy, 233 F.2d 705, 708 (2d Cir. 1956), aff'd 353 U.S. 72, 77 S.Ct. 618, 1 L.Ed.2d 652 (1957), or that his application [**31] was denied arbitrarily or capriciously or with a complete disregard of the law and the facts. Blazina v. Bouchard, supra. This does not mean that denial may be set aside merely because unsupported by substantial evidence. Foti v. Immigration and Naturalization Service, supra; United States ex rel. Moon v. Shaughnessy, supra.

A deportable alien is eligible for relief here only when, in the 'opinion' of the Attorney General, expulsion would subject that alien to physical persecution in the country to which he must go. The courts have long recognized that the

Attorney General is here deciding a political question that is solely within the competence of the executive branch. Namkung v. Boyd, 226 F.2d 385 (9th Cir. 1955); United States ex rel. Dolenz v. Shaughnessy, 206 F.2d at 395, supra; U.S. ex rel. Cantisani v. Holton, 248 F.2d 737 (7th Cir. 1957), cert. denied 356 U.S. 932, 78 S.Ct. 774, 2 L.Ed.2d 762 (1958); Blazina v. Bouchard, supra. The Attorney General has access to information, not available to a reviewing court, with [*32] which to assess the political climate [**32] of a foreign country and against which to weigh the assertions, often exaggerated, of an applicant for @ 243(h) relief. It is with awareness of these judicial limitations that courts have stressed the 'closely circumscribed' scope of judicial review of a denial of relief under @ 243(h). The majority seem to recognize the validity of these principles but find that the courts can review, as a question of law, the correctness of the standards by which the Attorney General or his delegate determines whether an applicant for @ 243(h) relief would be subjected to physical persecution.

The power of the federal government to exclude aliens, to admit them only on such conditions as it seems fit to prescribe, and to expel those within its dominion is plenary. These powers inhere in its sovereignty and have been consistently recognized by the courts. Nishimura Ekiu v. United States, 142 U.S. 651, 12 S.Ct. 336, 35 L.Ed. 1146 (1892); Fok Young Yo v. United States, 185 U.S. 296, 22 S.Ct. 686, 46 L.Ed. 917 (1902); Kaoru Yamataya v. Fisher, 189 U.S. 86, 23 S.Ct. 611, 47 L.Ed. 721 (1903); Carlson v. Landon, 342 U.S. 524, 72 S.Ct. 525, 96 L.Ed. 547 (1952); [**33] Harisiades v. Shaughnessy, 342 U.S. 580, 72 S.Ct. 512, 96 L.Ed. 586 (1952). In addition, Congress may designate such agencies as it sees fit to carry out whatever policies of exclusion and expulsion it adopts and so long as such agencies do not transcend limits of authority or abuse discretion reposed in them, their judgment is not open to

challenge or review by courts. Kaoru Yamataya v. Fisher, supra. In 1952, Congress enacted the Immigration and Nationality Act (8 U.S.C. @@ 1101 et seq.), as a comprehensive, revised immigration, naturalization and nationality code. As an essential part of this legislative scheme, the Attorney General is given the responsibility of passing on the applications of aliens for the withholding or suspension of deportation. n2 In passing on such applications, the Attorney General must first make factual findings as to whether the statutory prerequisites of eligibility have been met. n3 The correctness of the legal standards applied in making such factual determinations are fully reviewable in the courts. United States ex rel. Hintopoulos v. Shaughnessy, 353 U.S. 72, 77 S.Ct. 618, 1 L.Ed.2d 652 (1957); [**34] McGrath v. Kristensen, 340 U.S. 162, 71 S.Ct. 224, 95 L.Ed. 173 (1950); McLeod v. Peterson, 283 F.2d 180 (3d Cir. 1960); United States ex rel. Exarchou v. Murff, 265 F.2d 504 (2d Cir. 1959); Pagano v. Brownell, 227 F.2d 36 (D.C. Cir. 1955).

----------Footnotes----------

n2. Sections 243(h) and 244(a). See, also, Sections 245(a) and 249(a).

n3. For example, under 244(a): whether the alien has applied for relief within five years after the effective date of the statute; whether he last entered the United States more than two years prior to June 27, 1952; whether he is deportable under any law of the United States and is not a member of a class of aliens whose deportation could not have been suspended by Section 19(d) of the Immigration Act of 1917, as amended. Under @ 249(a): whether the alien entered the United States prior to June 28, 1940; has had residence in the United States continuously since such entry.

----------End Footnotes----------

Once the Attorney General finds that the alien is eligible for withholding [**35] or suspension of deportation, he must decide whether to exercise his discretion in the applicant's favor. The statute does not restrict or specify the considerations that may be relied upon in making that decision. Relief is granted according to the unfettered discretion of the Attorney General and the standards or factors he employs will be overturned only if capricious or arbitrary. United States ex rel. Hintopoulos v. Shaughnessy, supra; Jay v. Boyd, 351 U.S. 345, 76 S.Ct. 919, 100 L.Ed. 1242 (1956). The question here concerns the scope of review of a decision of the Attorney General that involves neither the fact finding process of determining statutory eligibility nor the exercise of discretion in withholding or suspending deportation. It concerns review of the standards used by the Attorney General in determining in his opinion [*33] whether an alien would be subject to physical persecution if returned to a particular country. The majority contend that this is an interpretation of a statutory norm or standard of eligibility prerequisite to an exercise of discretion and is, therefore, reviewable as a question of law as is any construction by the Attorney [**36] General of other statutory prerequisites. It is true in one sense that a finding that an alien would be subject to physical persecution is a prerequisite to discretionary action. Without such a finding, the Attorney General would be powerless to withhold deportation. But this is not the end of the inquiry.

Section 23 of the Internal Security Act of 1950 (64 Stat. 987) amended Section 20 of the Immigration Act of 1917 (39 Stat. 890) to provide:

'No alien shall be deported under any provisions of this chapter to any country in which the Attorney General shall find that such alien would be subjected to physical persecution.'

Two aspects of this statutory language are noteworthy. First, the decision

of the Attorney General as to whether an alien would be subjected to physical persecution on deportation is treated solely as a question of fact. Second, once such a finding is made, the withholding of deportation is mandatory. The Attorney General has no discretion in the matter. The Immigration Act of 1917 was repealed by the Immigration and Nationality Act of 1952. The provision dealing with physical persecution is now @ 243(h) of the 1952 Act. It provides:

'The Attorney General [**37] is authorized to withhold deportation of any alien within the United States to any country in which in his opinion the alien would be subject to physical persecution and for such period of time as he deems to be necessary for such reason.'

The changes wrought by this new language are clear. First, the determination of whether an alien would be subject to physical persecution is not simply a decision of a factual question. It is the opinion of the Attorney General that is to control. Second, even if the Attorney General opines that an alien would be subject to physical persecution, he is authorized, not required as before, to withhold deportation.

Commenting on the change in the statutory language, this court said in United States ex rel. Dolenz v. Shaughnessy, 206 F.2d 392, 394 (2d Cir. 1953):

'That section modified the language of the former statute in a manner which shows clearly, we think, that the withholding of deportation in cases where the alien fears persecution rests wholly in the administrative judgment and 'opinion' of the Attorney General or his delegate. The courts may not substitute their judgment for his.'

And at 395:

'The very nature of the decision [**38] he must make concerning what the foreign country is likely to do is a political issue into which the courts should not intrude. As was said in Chicago & Southern Air Lines v. Waterman S.S. Corp., 333 U.S. 103, 111, 68 S.Ct. 431, 436, 92 L.Ed. 568: 'But even if courts could require full disclosure, the very nature of executive decisions as to foreign policy is political, not judicial."

In Blazina v. Bouchard, 286 F.2d 507, 511 (3d Cir.), cert. denied, 366 U.S. 950, 81 S.Ct. 1904, 6 L.Ed.2d 1242 (1961), the court said:

'The 1952 changes are significant. They make clear that a decision whether an alien would be physically persecuted on return to his native country was intended by Congress to be committed solely to the judgment of the Attorney General.'

See, also, United States ex rel. Cantisani v. Holton, 248 F.2d 737 (7th Cir. 1957), cert. denied, 356 U.S. 932, 78 S.Ct. 774, 2 L.Ed.2d 762 (1958); Namkung

v. Boyd, 226 F.2d 385 (9th Cir. 1955); United States ex rel. Moon v. Shaughnessy, 218 F.2d 316 (2d Cir. 1954). [*34] These cases make clear that the Attorney General's decision [**39] whether an alien would be subject to

physical persecution and his determination of whether or not to withhold deportation lie solely within his administrative judgment. The role of the courts is limited to assuring that the alien was afforded procedural due process and that the Attorney General's decision was not capricious or arbitrary.

The legal literature has long been concerned with the dichotomy between 'law' and 'fact' and the consequences on judicial review of attaching one or the other label to a particular question decided by an administrative agency. n4 One of the frequently suggested tests has been that of expertness. n5 This approach would have a reviewing court first consider the relative abilities of the administrative agency and the courts to render an informed judgment on the question at issue. Although this approach has had its critics, n6 it is of help here. When @ 243(h) relief is sought, the Attorney General must determine if the applicant would be subject to physical persecution if deported to a particular country. To decide that question, the Attorney General may take into consideration the political climate of the country involved and its practices regarding, [**40] for example, the treatment of returning defectors. To this end he can utilize confidential information. Jay v. Boyd, supra. His assessment of the political conditions in the foreign country may also be necessary to determine the validity of the alien's fears. These investigations and determinations are such that they can only be intelligently made by the executive branch. They are closely related to the conduct of our foreign relations and involve political assessments and judgments which the courts have no competence to review. The action of the majority in this case illustrates the point well. It knows nothing of the existence of Yugoslav laws making 'escape' a crime. It knows nothing of the past practices of the government of Yugoslavia in punishing violators of this law even if it does exist. It knows nothing of the severity of punishment that might be inflicted on Sovich on his return to Yugoslavia. Yet it tells the Attorney General's delegate, who we must assume has the answers to these questions, that he does not know the meaning of physical persecution.

----------Footnotes----------

n4. See, e.g., Report of the Attorney General's Committee on Administrative Procedure (1941); Dickinson, Administrative Justice and the Supremacy of Law, 55 (1927); Henderson, The Federal Trade Commission, 93-98 (1924). [**41]

n5. See, e.g., Landis, The Administrative Process, 152-153 (1938).

n6. See Brown, Law and Fact in Judicial Review, 56 Harv.L.Rev. 899, 926-927

(1943).

----------End Footnotes----------

I believe that the Attorney General alone has the competence to give content to that phrase. Only that branch of government to which is entrusted the safeguard of our foreign relations, and has the attendant facilities, information and experience can meaningfully gauge all the subtleties and variations of action that are designed to oppress and persecute. n7 The realities of a world in which [*35] more than half of its population live in varying degrees of political slavery (by our standards) require that the meaning of that phrase be constantly recast and re-evaluated n8 by the only branch of government able to do so -- the Executive.

----------Footnotes----------

n7. The background and decision of Matter of Kale, Adm.Dec. A9 555 532 is instructive on this point. A number of contentions raised by Yugoslav nationals in proceedings before the Service led the Commissioner of Immigration in October 1956 to defer further action until the Service was able to collect reliable information as to conditions in Yugoslavia. The decision in the Kale case, rendered after the investigation was completed, was forwarded to Regional Commissioners with instructions that decisions as to all Yugoslav crewmen who had entered since 1945 and had been in Yugoslavia at some time since that date should be 'based upon the criteria' stated therein. The decision discussed the political climate of Yugoslavia in some detail. See Judge Friendly's opinion in Diminich v. Esperdy, 299 F.2d 244, 246-247 (2d Cir. 1961), cert. denied, 369 U.S. 844, 82 S.Ct. 875, 7 L.Ed.2d 848 (1962). The procedure utilized by the Commissioner in this instance indicates the resources required to ascertain the political facts in a foreign country and demonstrates well the need for professional judgment in evaluating the probable consequences of these facts. [**42]

n8. The statute itself makes clear that the Attorney General is required to keep under review those cases in which @ 243(h) relief is granted. Since he is to withhold deportation 'for such period of time as he deems to be necessary for such reason (physical persecution)', he must be continuously alert to developments in the country involved and in the alien's position vis-a-vis those developments.

----------End Footnotes----------

A consideration of far greater importance here however, is the clearly expressed intention of the Congress. n9 The language of the statute, especially

as modified by the 1952 legislation, makes evident the Congressional purpose to grant the Attorney General the broadest possible discretion in considering applications under @ 243(h). The juxtaposition of the discretionary authorization to withhold deportation and the declaration that it is the opinion of the Attorney General as to physical persecution that is determinative should conclude any search for the legislative desire. His decision should be overturned only if capricious or arbitrary.

----------Footnotes----------

n9. Compare Stern, Review of Findings of Administrators, Judges and Juries: A Comparative Analysis, 58 Harv.L.Rev. 70, 105-707 (1944) arguing that the function of the court reviewing administrative decisions is to search for 'legislative intention'. When Congress lays down general standards for an administrative agency to follow, the agency has the function of filling in the interstices and giving content to that standard. If the agency has stayed within the bounds of the exercise of discretion fixed by Congress, the courts are not to substitute their judgment for that of the agency.

----------End Footnotes----------
[**43]

In the delicate fields of immigration and international relations, the courts should be ever mindful of the constitutional separation of powers and not attempt to take over the function of the other two branches. The majority

suggests that section 243(h) 'reflected the humanitarian concern of Congress that aliens should not be expelled from our shores into the hands of totalitarian regimes unwilling to recognize even elementary standards of human decency.' Whether Yugoslavia deserves that condemnation, I am ill-equipped to decide. I would imagine that is the reason why such determinations have been left to that branch of government which has responsibility for, and must remain sensitive to, the conduct of our foreign relations.

No judicial elaboration is required of the radical differences in criminal laws and procedures that exist between our own country and those of totalitarian states. If we are to regard every such law or procedure as a failure to provide 'elementary standards of human decency', we are indeed undertaking a gigantic task of world paternalism. This the majority would undertake. They do not like Yugoslavia's law which imposes punishment for illegal departure [**44] from its country. Neither do I. They do not wish to have 'an alien threatened with long years of imprisonment, perhaps even life imprisonment, for attempting to escape a cruel dictatorship.' Nor do I, but the decision is not ours to make. In short, despite a personal predilection to allow every person, except the criminal, who has reached our shores to remain here, it is Congress that is

entrusted with fashioning our immigration policies and Congress has vested certain discretionary powers in the Attorney General.

Turning to the case at hand and applying the scope of review described above, affirmance is required. In fact, in my view, the same result is called for if we apply the scope of review contended for by the majority.

The Special Inquiry Officer concluded his recommendation that Sovich be denied 243(h) relief with the following:

'Since the applicant was not in any way mistreated after these alleged utterances were reported to the authorities, it seems reasonable to [*36] believe that he would not now be persecuted therefore upon his return. While it may be true that he may be punished for his illegal departure from Yugoslavia such punishment is not the physical [**45] persecution contemplated by the statute. The statute contemplates persecution visited upon the alleged offender in the form of corporal punishment, torture or death because of race, religion or political opinion. Here the punishment which the applicant fears he might suffer would apparently be after conviction for a crime cognizable under the recognized juridical system. That is not persecution.

'I believe that the applicant has failed to establish by reasonable and probative evidence that he would be subjected to physical persecution if returned to Yugoslavia. His application should therefore be denied.'

The majority find that the standards set forth in this recommendation are erroneous. I think that a fair reading of the above excerpt demonstrates a construction of the phrase 'physical persecution' that is not only not capricious or arbitrary but that is clearly correct.

The phrase 'physical persecution' has been construed by the Attorney General to mean incarceration, torture or death inflicted because of one's race, religion, or political opinions. See Matter of Kale, Adm.Dec. A-9555532 (1958); Diminich v. Esperdy, supra; Blazina v. Bouchard, supra. [**46] It has been recognized, of course, that the mode of punishment is not controlling, so that complete denial of employment can be physical persecution -- if inflicted for

an illicit reason. Diminich v. Esperdy, supra; Dunat v. Hurney, 297 F.2d 744 (3rd Cir. 1962). However, infliction of the punishment on racial, religious, or political grounds has to date been required. The fact that a law is harsh or restricts individual freedoms in a way inconsistent with our own beliefs does not mean that its application, without more, amounts to physical persecution. Congress recognized that all those who live under Communist regimes suffer deprivation of freedoms that we take for granted. Congress intended, however, that @ 243(h) relief would be available only to those who could show that they

would be singled out and subjected to persecution because of their race, religion or political viewpoint. Here, again, the label attached to such persecution is of no significance. Penal laws punishing traditional crimes such as murder, robbery, etc., might be applied in a discriminatory fashion; n10 a law forbidding unauthorized exit might be invoked only against those [**47] who fled for political reasons. Physical persecution would likewise exist, as the majority suggest, if breach of traditional or untraditional laws was prompted by persecution or fear of persecution for the proscribed reasons.

----------Footnotes----------

n10. Consider the recent reports that only Jews are punished for violation of certain Russian laws defining commercial crimes.

----------End Footnotes----------

The majority lose sight of these principles when it relies on the fact that 'general prohibitions against departure from a country do not * * * define traditional crimes in Western societies.' The majority finds a crucial distinction, as far as @ 243(h) relief is concerned, between escaping from a country by deserting one of its ships in a friendly country n11 and escaping by fleeing across its frontier. The former is an act that civilized countries do or might forbid while only totalitarian countries limit their citizens' rights of egress. This is true, the majority seem to feel, even [*37] though the law forbidding egress has no relation to race, religion [**48] or political viewpoint and is not discriminatorily applied. Thus, two aliens who fled the same Communist country because of dissatisfaction with their economic plight and who might both be prosecuted on return for unlawful departure, would find themselves in quite different positions as far as @ 243(h) relief is concerned. To me, this is an incongruous and illogical result. The determinative question here is the underlying cause of the punishment, not the mode of departure or the title of the statute under which the alien would be prosecuted. Accordingly, assuming that the appellant here will be imprisoned for his illegal departure from Yugoslavia, he must do more than show possibility of prosecution for violating a law that is not discriminatorily applied. He must demonstrate, and convince the Attorney General, that he will be prosecuted under this law because of his race, religion or political viewpoint, or as the majority suggest, that he fled the country because of this type of oppression.

----------Footnotes----------

n11. This was the situation in Diminich v. Esperdy, supra. Diminich, as Sovich here, had shipped out from Yugoslavia, deserted his vessel in Italy, shipped as a seaman and again deserted his vessel in New York. His testimony before the Hearing Commissioner was quite similar to Sovich's. He feared that he would be imprisoned for desertion and that he would have 'difficulties' if returned. This Court held that incarceration for a violation of the Yugoslav

law was 'reconcilable with generally recognized concepts of justice.' 299 F.2d at 246.

- - - - - - - - - - - - - - - - - -End Footnotes- - - - - - - - - - - - - - - - -
[**49]

The majority's reasoning could also lead to some bizarre and undesirable results. First, it would place those refugees who have fled a communist country and been granted asylum in a democratic state and then jumped ship here in a better position that those who desert a Communist vessel. It would seem wiser to discourage refugees who already have been granted one haven from deserting ships of friendly nations and flouting our own immigration laws. Further, the annual number of escapees from Yugoslavia is apparently quite substantial. Many leave Yugoslavia because of their dire economic plight. If any of them can reach our shores, under the majority decision the mere fact that they escaped would entitle them to consideration under @ 243(h), a section which was intended to serve no such purpose.

Turning now to the opinion of the Special Inquiry Officer, it seems clear to me that he had the proper criteria in mind in passing on Sovich's application. He found, first, that Sovich would not be persecuted on his return for his political or religious beliefs. Then, using the language earlier quoted, he found that imprisonment for his illegal departure which would not stem from his [**50] race, religion, or political viewpoint, did not constitute physical persecution. Although the last two sentences of the language quoted may be overly broad in that they suggest that conviction for any crime, even one related to religious or political viewpoint, would not constitute physical persecution, a fair reading of this language in context indicates that such was not the Inquiry Officer's understanding. He accepts the fact, by what he states before these two sentences, that punishment, whatever its form, must be related to race, religion, or political viewpoint. This conclusion is more than amply supported by the record and should be affirmed. Reversal here, on a record as free of doubt as this, would be contrary to our Diminich holding and the standard of review there established.

1146C5

********** Print Completed **********

Time of Request: January 18, 2002 11:06 am EST

Print Number: 968:0:44155448
Number of Lines: 951
Number of Pages: 20

HEMENWAY & BARNES

COUNSELORS AT LAW

60 STATE STREET

BOSTON, MASSACHUSETTS 02109-1899

TELEPHONE (617) 227-7940

TELECOPIER (617) 227-0781

ALFRED HEMENWAY
(1863-1927)

CHARLES B. BARNES
(1893-1956)

GEORGE H. KIDDER
DAVID H. MORSE
ROY A. HAMMER
LAWRENCE T. PERERA
JOHN J. MADDEN
GEORGE T. SHAW
TIMOTHY F. FIDGEON
RUTH R. BUDD
MICHAEL E. ELEFANTE
DOUGLAS A. MUIR
ALICE E. RICHMOND
MICHAEL J. PUZO
THOMAS L. GUIDI
EDWARD NOTIS-McCONARTY
DIANE C. TILLOTSON
SUSAN HUGHES BANNING
FREDERIC J. MARX

EDWARD P. MANNIX
NANCY BADER GARDINER
DEBORAH J. HALL
MICHAEL L. LESHIN
KURT F. SOMERVILLE
TERESA A. BELMONTE
BARBARA ZICHT RICHMOND
CLAUDE J. KAZANSKI
SARAH GENTRY TISCHLER
MARTHA SIMMONS-SOBOL

GUIDO R. PERERA
OF COUNSEL

April 5, 1989

Samuel Schoonmaker, III, Esquire
Cummings & Lockwood
10 Stamford Forum
P.O. Box 120
Stamford, CT 06904

Dear Sam:

The cocktail reception which your law firm gave in Naples was delightful. As I mentioned to you afterwards, I had not realized that this was the former firm of Homer Cummings and I was very moved by that fact. I do not know very much about Mr. Cummings, but what I do know is that I owe my life to him. I thought that for your firm's history you might want to know the difference that one of his decisions as Attorney General of the United States made.

I was born in Germany of wealthy upper class parents whose property and business, which had been in the family for over 200 years, had been confiscated and we were preparing to emigrate to the United States. My father (A.R. in the attached opinion) was planning to leave with a small amount of money when the Gastapo came, discovered this and charged him with violating certain laws of the Third Reich. As a result of these violations, he was found guilty and imprisoned for 14 months. During this time, the visa to come to the U.S. expired and when my mother went to reapply, because the prison term was to end, she was told by the American Consulate that the United States does not issue visas to persons who have been convicted of crimes or misdemeanors involving moral turpitude, which this was deemed to have been. My uncle, who had emigrated to the United States in the 20's and was an American citizen, went to Washington, hired a law firm and the end of a story that took over a year, is this very last opinion of Homer Cummings dated December 31, 1938, which is my father's case. The opinion states that despite the long tradition in American law of giving full faith and credit to

judgments of foreign courts, because of the extraordinary situation in Germany at that particular time, he would look behind this judgment. The last sentence, which advises the Secretary of State to issue the visa, which then occurred and allowed my family to leave in early 1939, not long before the war began.

I think you can be very proud to be a member of a firm founded by a man of such courage and convictions, and I wanted to share this with you.

I enjoyed, as always, seeing you and other members of your firm and look forward to seeing you again at future AAML meetings.

Sincerely yours,

Ruth R. Budd

RRB:emh

AR 25538 3/10 IMMIGRATION CORRESPONDENCE & DOCUMENTATION 1937-1939 ARCHIVES
-WITH TRANSLATIONS

Akt

des

Rechtsanwalts und Wirtschaftsprüfers

Dr. Otto Rosenberg

Nürnberg.

Betreff:

*Nonpreference ☒ ~~Preference~~: Section 6 (a) (1) ☐ ~~Section 6 (a) (2)~~ ☐

German
(Quota nationality)

PORT OF

I certify that the within-named immigrant.....

---

arrived in the United States at this port on the S. S.

on

and was inspected by me and duly {admitted / held for BSI}.

Immigration Officer.

RECORD OF BSI

The within-named immigrant was {admitted / exeluded and appeal granted}

Date

Chairman BS

NOV

RECORD OF APPEAL

Admitted Excluded

Date

Dr. Lilli RAHN

AMERICAN FOREIGN SERVICE

FEE STAMP

Amerlean Consulate

at Stuttgart, Germany

QUOTA IMMIGRATION VISA No. 8453

Date ..ovember 16, 1937

SEEN: The bearer,

Lilli Bechman Rahn

who is of Germen (Citizen ~~or subject~~)

nationality, having been seen and examined, is classified as a quota immigrant and is granted this Immigration Visa pursuant to the Immigration Aet of 1924, as amended.

The validity of this Immigration Visa expires on

March 17, 1938.

Hugh A. Teller
Vice Consul of the
United States of America.

Fee No. 20264

Immigrant identification card No. 95:39[illegible] Issued.

Passport No. II A 1073 or other travel document

German Passport
(Describe)

Issued to Dr. Lilli Rahn

Issued by Pol.Pres., Nuernber[illegible]-Fu[illegible]rthu
Germa[illegible]

Date ..ov.16, 1937

Valid until Nov.15, 1938.

NOTE.—This Immigration Visa will not [illegible] the person to whom issued to enter the Unit[illegible] if, upon arrival in the United States, he is [illegible] inadmissible to the United States under [illegible] tion Laws. (Subdivi[illegible] of 1924.)

*Check appropriate c[illegible]

U. S. GOVERNMENT PRINTING OFFICE 1—1469

*Nonpreference ☐ Preference: Section 8 (a) (1) ☐ Section 8 (a) (2) ☐

German
(Quota nationality)

PORT OF

.....

I certify that the within-named immigrant.....

.....

arrived in the United States at this port on the S. S.

on

and was inspected by me and duly {admitted / held for BSI}.

Immigration Officer.

RECORD OF BSI

The within-named immigrant was {admitted / excluded and appeal granted}

Date

Chairman BSI

RECORD OF APPEAL

Admitted Excluded

Date

NOV

RUTH MARION RAHN

American Consulate

at Stuttgart, Germany

QUOTA IMMIGRATION VISA No. 5461

Date November 18, 1937.

SEEN: The bearer,

Ruth Marion Rahn

who is of German
(Citizen or subject)

nationality, having been seen and examined, is classified as a quota immigrant and is granted this Immigration Visa pursuant to the Immigration Act of 1924, as amended.

The validity of this Immigration Visa expires on

March 17, 1938.

Hugh L. Feller
Vice Consul of the
United States of America.

Fee No. 20266

Immigrant identification card No. [illegible] issued.

Passport No. IIA 1073 or other travel document

German Passport
(Describe)

Issued to Dr. Lilli Rahn

Issued by Pol.Pres., Nuernberg-Fuerth., Germany

Date Nov.16, 1937

Valid until Nov.15, 1938.

NOTE.—This Immigration Visa will not [illegible]e the person to whom issued to enter the Unit[illegible]tes if, upon arrival in the United States, he i[illegible]d to be inadmissible to the United States und[illegible] Immigration Laws. (Subdivision (g), sec. 2, [illegible] of 1924.)

*Check appro[illegible]

U.S. GOVERNMENT PRINTING OFFICE : 1 1469

*Nonpreference ☐ Exempt Section 4(a)(1) ☐ Section 4(a)(2) ☐

German
(Quota nationality)

PORT OF

I certify that the within-named immigrant

arrived in the United States at this port on the S. S.

on

and was inspected by me and duly {admitted / held for BSI}.

Immigration Officer.

RECORD OF BSI

The within-named immigrant was {admitted / excluded and appeal granted}

Date

Chairman BSI

RECORD OF APPEAL

Admitted Excluded

Date

American Consulate

at Stuttgart, Germany

QUOTA IMMIGRATION VISA No. 3461

Date November 18, 1937

SEEN: The bearer,

Helene Bergen Lorz

who is of German
(Citizen or subject)
nationality, having been seen and examined, is classified as a quota immigrant and is granted this Immigration Visa pursuant to the Immigration Act of 1924, as amended.

The validity of this Immigration Visa expires on

March 17, 1938.

Hugh L. Teller
Vice Consul of the
United States of America.

Fee No. 20268

Immigrant identification card No. issued.

Passport No. 1070 or other travel document

German Passport
(Describe)

Issued ~~by~~: Pol. Pres., Nuernberg-Furth, Germany

Issued ~~by~~ to: Helene Lorz

Date Nov. 16, 1937

Valid until Nov. 15, 1942.

NOTE.—This Immigration Visa will not [illegible] the person to whom issued to enter the United States if, upon arrival in the United States, he is found to be inadmissible to the United States under the immigration laws. (Subdivision [illegible] of 1924.)

*Check appropriate [illegible]

*Nonpreference ☐ Preference: Section 6(a)(1) ☐ Section 6(a)(2) ☒

German
(Quota nationality)

PORT OF .....

I certify that the within-named immigrant.....

.....

arrived in the United States at this port on the S. S.

on

and was inspected by me and duly {admitted / held for BSI}.

Immigration Officer.

RECORD OF BSI

The within-named immigrant was {admitted / excluded and appeal granted}

Date

Chairman BSI

RECORD OF APPEAL

Admitted Excluded

Date

Alfred Isahn

American Consulate

at Stuttgart, Germany

QUOTA IMMIGRATION VISA No. 8458

Date November 10, 1937.

SEEN: The bearer,

Alfred Hermann Rahn

who is of German (Citizen or [redacted])
nationality, having been seen and examined, is classified as a quota immigrant and is granted this Immigration Visa pursuant to the Immigration Act of 1924, as amended.

The validity of this Immigration Visa expires on

March 17, 1938.

Hugh H. Telzer
Vice Consul of the
United States of America.

Fee No. 20262

Immigrant identification card No. [redacted] issued.

Passport No. II A 1072 or other travel document
German Passport
(Describe)

Issued to Alfred Hermann Rahn

Issued by Pol.Pres., Ludwigsburg-Ebertl., Germany

Date Nov.10, 1937

Valid until Nov.15, 1938.

NOTE. This Immigration Visa will not [redacted] the person to whom issued to enter the United States if, upon arrival in the United States, he [redacted] found to be inadmissible to the [redacted] Immigration Laws. (Subd. of 1924.)

*Check appropriate

L'Heureux & Wirth

9/13/10

Hervé Joseph L'Heureux (1899-1957)
Consul in Stuttgart 1936-39
&
Samuel W Honaker - ~~Consulate~~ Consul General
1938

L'Heureux was consul
Vice consul in Windsor 1927-35
US Consul 1935
Stuttgart - 1936-39
Antwerp 1939-41
Lisbon 1941-42
Algiers 1943-44
Marseille 1944-48

Buried - Arlington Natl. Cemetary

3 children:
Davide
Jeanne Rose
George

William Frederick Wirth, Jr.
Born in Baltimore 10/21/1910
Parents both born in Bavaria
Married Margaret Meade Cole ~~(1903)~~ (1903) in Texas
Married 12/31/37
Divorced in Baltimore

Leitvermerke:

Deutsche Reichspost
Telegramm

Verzögerungsvermerke:

Wortgebühren . . . . RM ..... Rpf
Sonstige Gebühren ..... RM ..... Rpf
Zusammen . . . . . RM ..... Rpf
Anzen. .....

aus

Stuttgart

Befördert
Tag Zeit
an durch

Nr. ..... mit ..... W. 193.... den ...../..... um ..... Uhr { Weg= angabe .....

Genaue Anschrift (Wohnungsangabe vor Bestimmungsanstalt). Deutliche Schrift

(Aufschrift)

LC RAHN GENCIGCO
CAGUAS
(Bestimmungsanstalt)
Portorico

(Inhalt)

Just received consulate's
invitation March seventh

papers all right received
invitation March seventh

Des Absenders
Name: .....
Straße: ..... Hausnummer: .....
Diese Angaben werden nicht telegraphiert; fehlen sie oder sind sie unvollständig, so trägt der Absender die Folgen.

Bemerkungen auf der Rückseite beachten

Wohnort: .....
Gebäudeteil: ..... Stockwerk: .....

C 183a - Din A 5 - 6b 70 - 3. 38

Deutscher, benutze für Überseetelegramme nur deutsche Funk- und Kabellinien!

Bei Benutzung des Telegraphen empfiehlt es sich, folgendes zu beachten:

1. Abfassung und Aufgabe der Telegramme

Gut leserlich schreiben. Undeutliche Schrift verzögert Beförderung und führt zur Entstellung oder Unzustellbarkeit.

Telegramme mit Codetext besonders deutlich, mit Tinte, besser mit Schreibmaschine schreiben.

Besondere Bestimmungen über die Bildung von Codewörtern beachten.

Bei Aufgabe von Codetelegrammen nach dem Auslande durch Fernsprecher oder Ferndrucker Urschrift für Rückfragen 2 Tage am Aufgabeapparat bereit halten.

Bei Ferndrucker Mitlesestreifen prüfen.

Rückfragen schleunigst beantworten.

2. Telegrammanschriften

In der Telegrammanschrift Empfänger so genau bezeichnen, daß Zustellung für jeden Boten ohne weiteres möglich.

Straße und Hausnummer nicht sparen.

Nur solche Kurzanschriften verwenden, die Empfänger mit seiner Telegraphenanstalt vereinbart hat.

Nicht eigenmächtig abgekürzte Anschriften bilden und auf Geschäftspapieren zur Anwendung empfehlen.

Für Mehrleistungen, um Telegramme mit ungenügender Anschrift zustellbar zu machen, wird u. U. beim Empfänger besondere Gebühr erhoben.

Bei Zahlungsverweigerung wird Telegramm nicht zugestellt und Gebühr beim Absender eingezogen.

Bei Inlandstelegrammen, die durch Fernsprecher zugestellt werden sollen, genügen als Anschrift: Anschlußbezeichnung, Name des Empfängers und Bestimmungs-Anst, z. B. „= 2044 = Müller Elmshorn" oder „= 71176 = Krüger Berlin". Die zwischen Doppelstriche zu setzende Anschlußbezeichnung zählt ohne Rücksicht auf ihre Länge als 1 Gebührenwort.

3. Telegrammabschriften

Für das Heraussuchen eines Telegramms ist eine Gebühr zu entrichten.
Beglaubigte Abschriften oder Lichtbilder von Telegrammurschriften werden gegen besondere Gebühren gefertigt.

4. Gebührenerstattung

Auskunft, in welchen Fällen Telegraphengebühren erstattet werden, geben Post- und Telegraphenanstalten. Anspruch auf Gebührenerstattung erlischt nach 6 Monaten vom Tage der Aufgabe des Telegramms an gerechnet. Unbegründete Anträge gebührenpflichtig.

Die wichtigsten Abkürzungen für besondere Telegramme (vor die Anschrift zu setzen)

im Inlandsverkehr:

- =D= dringend
- =RP= Antwort bezahlt 10 Wörter
- =RP . . . W= Antw. bezahlt über 10 (. . .) Wörter
- =RP Blitz= Blitztelegramm-Antwort bezahlt 10 Wörter
- =RP . . . W Blitz= Blitz-Tel-Antw. bezahlt über 10 (. . .) Wörter
- =RPD= dringende Antwort bezahlt 10 Wörter
- =RPD . . . W= dringende Antw. bezahlt über 10 (. . .) Wörter

im Inlandsverkehr:

- =RPLT= Brieftelegramm-Antwort bezahlt 10 Wörter
- =RPLT . . . W= Brief-Tel-Antwort bezahlt über 10 (. . .) Wörter
- =RXP= Antw. (10 Wörter) und Bote (f. d. Antwort-Tel) bezahlt

Ausland:

- =RPx= Antwort bezahlt (x = vorausgezahlter Betrag in Franken)

- =TC= Vergleichung
- =PC= Tel mit Tel Empfangsanzeige
- =PCP= Tel mit brieflicher Empfangsanzeige
- =FS= nachsenden
- =XP= Bote bezahlt
- =MP= eigenhändig
- =TR= telegraphenlagernd
- =GP= postlagernd
- =TMx= x Anschriften
- =CTA= alle Anschriften mitteilen
- =LX . .= Tel auf Schmuckblatt (. . . = Nr. des gewünschten Blattes)
- =PU= Funk- oder Kabel-Tel nach Übersee mit dringender Beförderung innerhalb Deutschlands

Ferner werden bezeichnet mit

- *offen* die offen zuzustellenden,
- *tags* die während der Zeit von 22 bis 6 Uhr nicht zuzustellenden,
- *nachts* die auch während der Nacht zuzustellenden Tel

Tel zu ermäßigten Gebühren

- =Presse= Presse-Tel
- =LC= zurückgestelltes Tel
- =LT= Brief-Tel im deutschen Verkehr
- =ELT= dgl. im Europaverkehr
- =NLT= oder =DLT= dgl. im außereuropäischen Verkehr (je nach dem Bestimmungslande).

Nur für LC-, ELT-, DLT- und NLT-Telegramme

Ich erkläre, daß das umseitige Telegramm

ganz in offener

.....

Sprache

abgefaßt ist und keine andere Bedeutung hat, als sich aus der Niederschrift ergibt.

.....

Die schnellste Beförderung innerhalb Deutschlands ist die durch Blitztelegramme gegen zehnfache Gebühr

LC Rahn Genoigeo

C a g u a s

Portorico

Papers gratefully received

18/II/39

Fuerth i.B. 5.2.39 from Lilli to Lawyer Frederick Wirth Berlin W. 35

Esteemed Mr. Attorney, assuming that you will be interested I do not want to fail to tell you that the highest authorities in Washington have decided beginning of January that there are no obstacles to my husband's immigration. The Stuttgart Consulate was notified by telegram from Washington, so that my husband can report there as soon as he is able and will receive his visa. Sincerely..

Law Office of Frederick Wirth 8 February 1939 to Lilli Rahn

Esteemed gracious lady (or:dear Madam ?) ,I received your letter from the 5th from which I was glad to gather that the officials in Washington have taken the same position which I had taken at the time in the case of your husband. I now hope that the issue of the visa will go smoothly and everything develops according to your wishes.

Respectfully yours,

LÜTZOWUFER 17
BERLIN W 35

TELEPHONE:
21 12 28

LAW OFFICES
OF
FREDERICK WIRTH, JR.
OF THE
NEW YORK BAR

CABLE ADDRESS:
"TRUSTOFFICE BERLIN"

LONDON:
7&8 GREAT WINCHESTER STREET
E. C. 2

8. Februar 1939.

Frau Dr.phil.Lilli Rahn,
Fürth i/B.
Adolf Hitlerstrasse 26.

Sehr geehrtne gnädige Frau!

Ich erhielt Ihren Brief vom 5.ds. Mts.,aus dem ich gern ersah,dass sich die Behörden in Washington auf den gleichen Standpunkt gestellt haben, den ich s.Zt. in der Angelegenheit Ihres Gatten eingenommen habe. Ich hoffe, dass die Erteilung des Visums nun glatt von statten gehen wird und sich alles nach Ihren Wünschen abwickelt.

Mit vorzüglicher Hochachtung

Ludwig Wirth

Fürth i.B., den 5.2.39
Adolf Hitlerstr.26
Tel. 71586

Herrn Frederick Wirth Jr.
Rechtsanwalt
Lützowufer 37
Berlin W 35

Sehr geehrter Herr Rechtsanwalt,

In der Annahme, dass es Sie interessieren wird, möchte ich nicht versäumen Ihnen mitzuteilen, dass die Obersten Behörden in Washington Anfang Januar die Entscheidung getroffen haben, dass dier Einwanderung meines Mannes nichts im Wege steht. Das Stuttgarter Konsulat wurde daraufhin telegraphisch von Washington aus informiert, sodass man mein Mann, sobald er dazu in der Lage sein wird, dort vorsprechen kann und sei Visum erhalten wird.

Mit vorzüglicher Hochachtung!

101

008 Telegramm

Deutsche Reichspost

aus 101 SANJUANPR 127 10 2 1520 WUNEM =

Aufgenommen

Tag Monat Jahr Zeit 2 1 5 8

von 12 FEB 19 durch

Amt Fürth (Bay)

: LC = RAHN CARE BIERER

ADOLFHITLERSTR 26 FUERTHBAY =

Tag Zeit

an durch

MAILING AFFIDAVIT TODAY++++

Raum für dienstliche Rückfragen

26 ++.

(4. 36)

C 187 Din A 5

023 Telegramm

Deutsche Reichspost

aus 623 CAGUASPR 98 17/21 140 CIALEM=

Aufgenommen
Tag Monat Jahr Zeit
21.JAN 1939

von [redacted] durch

Amt Fürth (Bay.)

Befördert
Tag Zeit

an durch

LC = RAPN
CARE BIERER
DAOLF HITLER ST 26 FUERTHBAY

= MESSAGE RECEIVED STOP WILL SEND DOCUMENTS EARLIEST POSSIBLE +

Raum für dienstliche Rückfragen

(9. 38)

C 187 Din A 5

Dr. I[illegible]11 Sara Rahn
Aaolf Hitler

70. — Rdl

Gencigco

RP NLT Rahn

Caguas

Portorico

26 Firth i.B.

Immediately need new affidavits for us and nurse and up-to-date evidence of your income and resources stop send all documents to me directly stop Consul wants me to bring them to Stuttgart personally stop if you think it helpful let mother give an additional affidavit stop cable acknowledgement receipt this message

Fürth i.B., Jan.19th,1939
Ad.Hitlerstr.26
Tel. 71586

Mr.H.J.L'Heureux
American Consul
American Consulate
Königstr.19 A
S t u t t g a r t

Dear Sir,

According the advice you gave me by telephone on January 10th I wrote you at once but as I, did not get any answer from your office I fear you did not receive the letter.
I would not bother you so often if - as I told you the other day - the case would not be urgent and of such an enourmous importance for my husband. I therefore in a few lines put you once more the questions of my last letter.

I wanted to know if we need a new affidavit or any other documents or statements from my brother in Law - who gave us the affidavit in fall 1937 - that his accounts did not diminish and that he is still willing to support our family (my husband, me, the child and the nurse, Mrs.Lorz née Bergen) as long as we need his support in the U.S.

As you know it is of extremely personal importance for my husband not only to get his immigration visa for the U.S. as soon as he will be able to ask for it but also to prove this to the competent authorities before his release. I therefore asked you in my last letter to give us the possibility to come to the Consulate for applications for the new immigration visas on March 7th, which is the earliest date my husband will be able to come. And if - however - on account of technical reasons, we should not be able to come to Stuttgart on March 7th would you then kindly not fix a new date some weeks later, but allow us to come any day after March 7th as soon as we are able to come.

You would render me a very great service and I thank you, dear Sir, in advance for all you will do. As you know best the case is urgent because if I need new papers from my brother in law who resides in Porto Rico that will take some time and everything must be settled till the beginning of March. I therefore would be very thankful if you soon would send me a few lines.

Respectfully
Yours

P.S. If you think it helpful I always could come to the Consulate to see you and to discuss the matter

IN REPLY REFER TO

FILE NO. 811.11 Rahn, Alfred
WLK/EBS

DEPARTMENT OF STATE

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

AMERICAN CONSULATE

Stuttgart, Germany, January 18, 1939.

Frau Dr. Lilli Rahn,
Adolf Hitlerstrasse 26,
Fuerth.

Madam:

With reference to your letter of January 10, 1939, the Consulate regrets to inform you that due to the long period of time which has elapsed since visas were granted to yourself, your husband, daughter, and children's nurse, new affidavits and up-to-date evidence of the income and resources of your sponsor, Mr. Max Rahn, will be required before further visas can be issued.

It might be advisable for you to cable the sponsor and request the new documents, which should be sent directly to you and not to the Consulate. In view of the length of time that your case has been pending here, you may bring the papers personally to this office, and if they are found to be satisfactory, an invitation can be issued immediately for you and your household.

It is believed that by following the above procedure a minimum amount of time will be lost. As invitations are usually issued one month before the date set for a personal examination at the Consulate, there should be ample time to effect your husband's release and procure the necessary German documents.

Respectfully yours,
For the Consul General:

H. J. L'Heureux

H. J. L'Heureux,
American Consul.

Hndwritten letter of January 11 39

Dear Walter, Today only a few lines before my departure to Puerto Rico. The American visa question is not thank goodness solved. This morning I received a cable from Lilli that the visa from Washington had arrived in Stuttgart and that the consul had told her that "everything is all right." Let's hope the Germans make no further difficulties.

About the question of a trip to Germany we now seem to agree. If Lilli deems is right to hire foreign attorney she should do it; if he wants to be paid not in marks but in $$ or another exchange, let me know.

Your letter of 24. Dec. arrived two days ago, many thanks.

Cordial greetings to all, especially of course to you, and many good wishes, yours,

Walter.

WM. PENN
ROBT. BURNS
WHITE OWL
VAN DYCK

General Cigar Co., INC.

119 WEST 40TH STREET
NEW YORK

11. Januar 39.

Lieber Walter: —

Heute nur ein paar Zeilen - vor meiner Rückreise nach Puerto Rico. Die amerikanische Visumsfrage ist ja jetzt G.s.t. geklärt; heute morgen habe ich ein Kabel von Lilli erhalten, daß der Adv von Washington in Stuttgart eingetroffen sei und daß der Konsul ihr gesagt hätte, daß "everything allright" wäre. Hoffen wir, daß die deutschen Reise weiteren Schwierigkeiten bereiten. —

Über die Frage einer Reise nach Deutschland stimmen wir ja jetzt anscheinlich überein. Wenn Lilli es für richtig hält, einen ausländischen Rechtsanwalt zu engagieren, so soll sie das tun; wenn der Mann nicht in Mark sondern in $$ oder einer anderen Valuta bezahlt sein will, so laßt mich das halt wissen.

Dein Brief vom 24. Dez. kam vor 2 Tagen in meinen Besitz, vielen Dank.

Herzl. Grüße für alle, besonders natürlich für Dich, und viele Wünsche

Dein Max

001 Telegramm

Deutsche Reichspost

201 NEWYORK 191 26 10 WUNEM =

aus

Aufgenommen
Tag Monat Jahr Zeit 636

von 11.JAN 1939 durch

Amt Fürth (Bay)

= NLT = RAHN CARE BIERER
ADOLFHITLERSTR 26 FUERTHBAYERN

Befördert
Tag Zeit

an durch

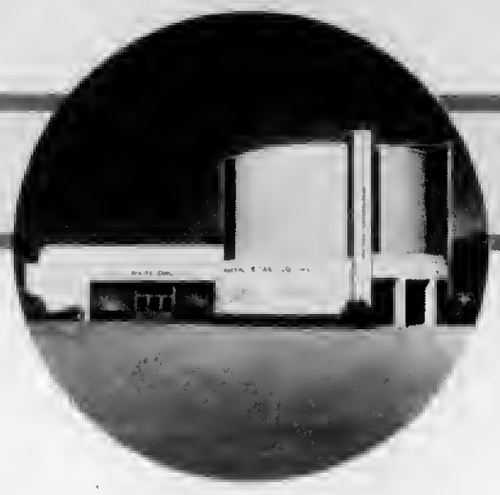
= AFTER RECEIPT YOUR CABLE HAVE TELEPHONED WASHINGTON AND AM INFORMED THAT CABLE TO STUTTGART LEFT WASHINGTON MONDAY NOON ONLY +

Raum für dienstliche Rückfragen

26 ++

(9. 38)

C 187 Din A 5



WHITE OWL
EXHIBIT BUILDING
AT NEW YORK
WORLD'S FAIR 1939

General Cigar Co., INC.

119 WEST 40TH STREET
NEW YORK

BIRDS EYE VIEW OF
GOLDEN GATE
INTERNATIONAL
EXPOSITION 1939

Mrs. Alfred Rahn
c/o Mr. E. Bierer
Adolf Hitlestrasse 26
Fuerthbay, Germany

January 10, 1939

Dear Lillie:

Last week I finally received word that there is no objection against issuance of a vise and after I had been assured that a cable advising the Consul in Stuttgart accordingly would be sent either Friday or Saturday of last week, I cabled you to go to Stuttgart on Monday, January 9. I thought, of course, that the Consul would by then have the advice and that you could attend to the remaining requirements.

You can imagine how sorry I was to learn when I came to the office this afternoon that Stuttgart had not received any information when you went there yesterday and that you had wasted your time completely. I called the respective gentleman at the State Department in Washington at once on the telephone and he informed me that the cable had not gone out on Friday or Saturday as I had been promised, but only yesterday at noon time. Therefore, I cabled you this afternoon as follows:

"AFTER RECEIPT YOUR CABLE HAVE TELEPHONED WASHINGTON AND AM INFORMED THAT CABLE TO STUTTGART LEFT WASHINGTON MONDAY NOON ONLY"

You know how sorry I am that this happened, but I sincerely trust that everything will now be straightened out. As I have cabled you already, I am leaving Thursday for Puerto Rico. Please keep me informed of everything.

Maria left last week already as she had to get back to her job and at that time we did not know that I was going to be finished here within another few days. If we had known, Maria would surely have waited another week and we would have sailed back together.

My very best wishes to all of you and all my love.

Max.

Mother is well.

WHITE OWL
ROBT. BURNS

YOU ARE CORDIALLY INVITED TO VISIT OUR
White Owl Exhibit Building
NEW YORK WORLD'S FAIR 1939

VAN DYCK
WM. PENN

Fürth i.B., January 10th, 1939
Adolf Hitlerstr.26

Mr. H.J.L'Heureux
American Consul
American Consulate
Königstrasse 19A
S t u t t g a r t

Dear Sir,

I thank you very much for the information you gave me by telephone this afternoon. I am sorry to waste your time once more but the main question now being favourably decided there still remain some important questions ans demands I want to ask you.

Would you kindly tell me if we need a new affidavit or any other documents or a statement of my brother in law - who gave us the affidavit - that his accounts did not diminish and that he ist still willing to support his brother Alfred Rahn, me, our child and our nurse Helene Lorz, née Bergen as long as we need his spport in the U.S.

As I told you before it is of enourmous personal importance for my husband not only to get his immigration visa for the U.S. as soon as he will be released but also to be able to prove this to the competent authorities before his release. You therefore could render me a very great service if you would ask us to come to the Consulate to make our applications for the new immigration visas on March 7th, which is the earliest date my husband will be able to come. However if - on account of technical reasons, passport ect. - we should not be able to come to Stuttgart already on March 7th I would be enormously thankful if you then would not fix a new date some weeks later but allow us to come any day after March 7th as soon as we are able to come.

I thank you very much, dear Sir, for all you have done and you will do conderning this case and remain

respectfully
Yours

NLT Rahn Geneigco

Newyork

Cable Washington arrived Stuttgart stop

Consul told me ~~anything~~ everything allright stop

thank you from all my heart

Leitvermerke:

Deutsche Reichspost

Telegramm

Verzögerungsvermerke:

Wortgebühren . . . . RM ..... Rpf
Sonstige Gebühren ..... RM ..... Rpf
Zusammen . . . . RM ..... Rpf
Angen. .....

aus

Stuttgart

Befördert
Tag Zeit
an durch

Nr. ..... mit ..... W. 193.... den ...../..... um ..... Uhr { Weg-angabe .....

Genaue Anschrift (Wohnungsangabe vor Bestimmungsanstalt). Deutliche Schrift

NLT RP RAHN GENCIGCO
NEWYORK
(Bestimmungsanstalt)

(Anschrift)

STUTTGART GOT NO INFORMATION FROM WASHINGTON VISIT THEREFORE WAS USELESS STOP ~~WAIT~~ (FOR ~~FURTHER~~ your further ~~INST~~ instructions. return further wait)

(Inhalt)

C 183a - Din A 5 - 6b 70 - 3. 38

Bemerkungen auf der Rückseite beachten

Des Absenders [signature]
Name: [signature]
Wohnort: .....
Straße: ..... Hausnummer: ..... Gebäudeteil: ..... Stockwerk: .....
Diese Angaben werden nicht mittelegraphiert; fehlen sie oder sind sie unvollständig, so trägt der Absender die Folgen.

Deutscher, benutze für Überseetelegramme nur deutsche Funk- und Kabellinien!

Bei Benutzung des Telegraphen empfiehlt es sich, folgendes zu beachten:

1. Abfassung und Aufgabe der Telegramme

Gut leserlich schreiben. Undeutliche Schrift verzögert Beförderung und führt zur Entstellung oder Unzustellbarkeit.

Telegramme mit Codetext besonders deutlich, mit Tinte, besser mit Schreibmaschine schreiben.

Besondere Bestimmungen über die Bildung von Codewörtern beachten.

Bei Aufgabe von Codetelegrammen nach dem Auslande durch Fernsprecher oder Ferndrucker Urschrift für Rückfragen 2 Tage am Aufgabeapparat bereit halten.

Bei Ferndrucker Mitlesestreifen prüfen.

Rückfragen schleunigst beantworten.

2. Telegrammanschriften

In der Telegrammanschrift Empfänger so genau bezeichnen, daß Zustellung für jeden Boten ohne weiteres möglich.

Straße und Hausnummer nicht sparen.

Nur solche Kurzanschriften verwenden, die Empfänger mit seiner Telegraphenanstalt vereinbart hat.

Nicht eigenmächtig abgekürzte Anschriften bilden und auf Geschäftspapieren zur Anwendung empfehlen.

Für Mehrleistungen, um Telegramme mit ungenügender Anschrift zustellbar zu machen, wird u. U. beim Empfänger besondere Gebühr erhoben.

Bei Zahlungsverweigerung wird Telegramm nicht zugestellt und Gebühr beim Absender eingezogen.

Bei Inlandstelegrammen, die durch Fernsprecher zugestellt werden sollen, genügen als Anschrift: Anschlußbezeichnung, Name des Empfängers und Bestimmungs-Anst, z. B. „= 2044 = Müller Emshorn" oder „= 711176 = Krüger Berlin". Die zwischen Doppelstriche zu setzende Anschlußbezeichnung zählt ohne Rücksicht auf ihre Länge als 1 Gebührenwort.

3. Telegrammabschriften

Für das Heraussuchen eines Telegramms ist eine Gebühr zu entrichten.
Beglaubigte Abschriften oder Lichtbilder von Telegrammurschriften werden gegen besondere Gebühren gefertigt.

4. Gebührenerstattung

Auskunft, in welchen Fällen Telegraphengebühren erstattet werden, geben Post- und Telegraphenanstalten. Anspruch auf Gebührenerstattung erlischt nach 6 Monaten vom Tage der Aufgabe des Telegramms an gerechnet. Unbegründete Anträge gebührenpflichtig.

Die wichtigsten Abkürzungen für besondere Telegramme (vor die Anschrift zu setzen)

im Inlandsverkehr:

=D=	dringend
=RP=	Antwort bezahlt 10 Wörter
=RP . . . W=	Antw. bezahlt über 10 (. . .) Wörter
=RP Blitz=	Blitztelegramm= Antwort bezahlt 10 Wörter
=RP . . . WBlitz=	Blitz-Tel= Antw. bezahlt über 10 (. . .) Wörter
=RPD=	dringende Antwort bezahlt 10 Wörter
=RPD . . . W=	dringende Antw. bezahlt über 10 (. . .) Wörter

im Inlands- und Auslandsverkehr:

=RPLT=	Brieftelegramm= Antwort bezahlt 10 Wörter
=RPLT . . . W=	Brief-Tel= Antwort bezahlt über 10 (. . .) Wörter
=RXP=	Antw. (10 Wörter) und Bote (s. d. Antwort-Tel) bezahlt

Ausland:

=RPx=	Antwort bezahlt (x = vorausgezahlter Betrag in Franken)
=TC=	Vergleichung
=PC=	Tel mit tel Empfangsanzeige
=PCP=	Tel mit brieflicher Empfangsanzeige
=FS=	nachsenden
=XP=	Bote bezahlt
=MP=	eigenhändig
=TR=	telegraphenlagernd
=GP=	postlagernd
=TMx=	x Anschriften
=CTA=	alte Anschriften mitteilen
=LX . . .=	Tel auf Schmuckblatt (. . . = Nr. des gewünschten Blattes)
=PU=	Funk- oder Kabel-Tel nach Übersee mit dringender Beförderung innerhalb Deutschlands

Ferner werden bezeichnet mit

offen	die offen zuzustellenden,
tags	die während der Zeit von 22 bis 6 Uhr nicht zuzustellenden,
nachts	die auch während der Nacht zuzustellenden Tel

Tel zu ermäßigten Gebühren

=Presse=	Presse-Tel
=LC=	zurückgestelltes Tel
=LT=	Brief-Tel im deutschen Verkehr
=ELT=	dgl. im Europaverkehr
=NLT= oder =DLT=	dgl. im außereuropäischen Verkehr (je nach dem Bestimmungslande).

Nur für LC-, ELT-, DLT- und NLT-Telegramme

Ich erkläre, daß das umseitige Telegramm

ganz in offener

.....

Sprache

abgefaßt ist und keine [redacted]e Bedeutung hat, als sich aus der Niederschrift ergibt.

.....

Die schnellste Beförderung innerhalb Deutschlands ist die durch Blitztelegramme gegen zehnfache Gebühr

WAREHOUSE

General Cigar Co., INC.

NATIONAL BRANDS

CAGUAS

PUERTO RICO

1939
#1

January 19th,1939

Dear Lilli:

I have just received your letter of December 28th,which you had sent to the Willard Hotel in Washington.

Many of the questions which you bring up need no further discussion.

I am happy to hear that you all are in good health.

Before leaving New York or, to be more exact, the day I left, Mother received a letter from Mrs. Lorz and after reading it and a letter of yours which you had sent to Mother, I told Mother that I would send an affidavit for Mrs. Lorz' young daughter. I could not do so immediately because we received that correspondence as we stepped into the taxi-cab which took me to the Puerto Rican steamer.

After arriving here I saw an attorney about the affidavit. On his recommendation, I shall not send you the affidavit. The reason is the following: Elsbeth is only 14 1/2 years old and because of that, many laws must be complied with that do not apply to adults. It is a most complicated procedure to get the visa for a minor under 16 years of age when such child will not travel nor live with the parents. I therefore recommend to let this matter rest for two or three months until the time when Mrs. Lorz will be in the United States. Then she can write an affidavit and apply as mother for a preferential status for the child, and I shall be glad to supply her then with a supporting affidavit so that the Consul will be convinced that the child will not become a public charge. I am sure you will understand my reasoning and explain it to Mrs. Lorz.

María is working hard and you will excuse her if she does not add her greetings to this letter, but I want this letter to catch ~~the last~~ the next air mail; you know that she also thinks of you all often.

We send you our very best wishes.

Much love.

Max

007 Telegramm

Deutsche Reichspost

107 WASHINGTON DC 81 17/ 7 1033 M WUNEM

aus

Aufgenommen
Tag Monat Jahr Zeit 1032

7/ JAN 1939

von durch Ha

Amt Fürth (Bay)

= LC = RAHN CARE BIERER

ADOLF HITLERSTR 26 FUERTHBAYERN =

Befördert
Tag Zeit

an durch

SAILING THURSDAY FOR PUERTORICO STOP UNTIL THEN GENCIGCO

NEWYORK +

Raum für dienstliche Rückfragen

(9. 38)

C 187 Din A 5

This is
the Cong awaits
Called!

054 Telegramm

Deutsche Reichspost

aus

54 SASHINGTON DC 89 20/6 1103 M WUNEM =

Aufgenommen
Tag Monat Jahr Zeit

von 20 JAN 1933 durch

Amt Fürth (Bay)

= LC = RAHN CO BIERER
ADOLF HITLERSTR 26 FUERTHBAY =

Befördert
Tag Zeit

an durch

VISIT STUTTGART NEXT MONDAY STOP CABLE ACKNOWLEDGMENT
RECEIPT THIS MESSAGE WILLARD HOTEL +

26 +

Raum für dienstliche Rückfragen

(9. 38)

C 187 Din A 5

Paris 4.1.38
My dear Lilli, I confirm our telephone call and was truly glad to be able finally to give you good news. My heartiest congratulations in advance. I just got a telegram from Max which reads" Advise Lilli Washington decision favorable , but will not be official for several days. Should be kept strictly confidential. Stuttgart should not be visited until further notification from me."
I am therefore waiting for a letter from Max nd shall then call you again. In any case one must assume that everything is ok. Now, take a rest for 3 days, bring up a good drop from the parents' wine cellar and with your girlfriend drink to your future.
Warmly,Walter

Paris, 4. 1. 38.

Meine liebe Lili!

Ich bestätige unser Telephongespräch und habe mich von ganzem Herzen gefreut, Dir endlich einmal eine gute Nachricht übermitteln zu können. Meinen allerherzlichsten Glückwunsch im Voraus. Ich erhielt also eben ein Telegramm vom Max folgenden ortlautes:
" Advise Lili Washington decision favorable, b t will not be official for several days. Should be kept strictly confidential . Stuttgart should not be visited until further notice from me."
Ich warte also zunächst auf Brief von ~~Max~~ und werde Dich dann nochmals anrufen. Jedenfalls muss man doch annehmen, dass es klappt.
Jetzt ruhe Dich einmal 3 Tage aus, hole aus dem Weinkeller der Eltern einen guten Tropfen und trink mit Deiner Freundin auf Euerer Zukunft.

Herzlichst Dein

Walter

Letter from Walter on Hotel Moderne des Dauphins Stationery 2/1/39
(handwritten)
My dear Lilli, I have just read your very detailed letter to the parent and am always glad to hear good things. I wrote you last Tuesday in detail and suppose the answer is in the mail. If not I ask you to think about the following and to call me if urgent (in the AM before 8:15 German time): ut 85-73
1. Assume the case that the USA visa will not be given. In that case I think we should get a visa for Cuba or the Dominican Republic or a South American state. I will b e glad to pursue this here but need your consent.
2. In case it can be given, would you want to go directly or vi here and stop here and there? In that case I would need to get a transit visa here.
3. Whatg State would you prefer, Cub a or Peru? The latter is supposed to be easier.
I m expecting your prompt answer since one must count on some time for this to be done. Could you, if this is done, send (Personlien? Personl papers?) of you 3m or 4 m (?) Would be good.
Again my best wishes for 1939. Chin up. Your Walter

Note , handwritten, to Walter on General Cigar Stationery Jan. 4,29.
Dear Walter, Dear Walter, I cabled you last night that the Department of Justice had decided Alfred's case favorably. The information is not to be spread under any circumstances; the decision is a radical departure from American Jurisdiction here and unnecessary publicity--especially in Germany -- might be harmful to Ifred..
The official notification will b e cabled to Stuttgart at the end of this or maybe only next week. Then I shall send Lilli a cable which only says 'VISIT STUTTGART'
I have thought about a trip to Germany long and hard and I shall not come to Europe. When I am in Washington again this week I shall discuss this question with a gentleman from the Department of State who might be able to give me good advice. If the gentleman has no advice Lilli should hire a foreign lawyer living in Germany.
That's all for now, warmly, Max

WM. PENN
ROBT. BURNS
WHITE OWL
VAN DYCK

General Cigar Co., INC.

119 WEST 40TH STREET
NEW YORK

Jan 4/29.

Lieber Walter: –

Ich kabelte dir gestern nacht die gute Nachricht, daß das Department of Justice Alfred's Fall günstig entschieden hätte. Die Information soll unter keinen Umständen verbreitet werden; die Entscheidung ist eine radikale Abweichung von bisheriger amerik. Rechtsprechung und unnötige Publizität – besonders in Deutschland – kann Alfred vielleicht schaden.

Die offizielle Nachricht wird Stuttgart heute oder vielleicht erst nächste Woche gekabelt werden. Dann werde ich Lilli ein Kabel senden, das nur "VISIT STUTTGART" enthält.

Ich habe mir das Problem einer Reise nach Deutschland reiflich überlegt und ich werde nicht nach Europa kommen. Wenn ich Ende dieser Woche wieder in Washington bin, werde ich diese Frage mit einem Herrn im Dept. of State besprechen, der mir vielleicht einen guten Rat geben kann. Wenn der Herr nichts vorschlagen kann, dann soll Lilli - wie ich ihr bereits geschrieben habe - einen in Deutschland lebenden ausländischen Anwalt engagieren. ——

Ohne mehr für heute.

Herzlichst

Max

Jan 1/39.

Dear Walter: —

Please give the contents of this letter to Lilli:

I have made inquiries about the possibilities of admission to Cuba and although a strict application of the Cuban law would prohibit entry to Alfred because of his prison sentence, at times things can be overlooked in Cuba — especially since our lawyer in Habana has very good connections. But it is necessary that Alfred appears in Hamburg with a passport that does not show his conviction. And I am assured that the passport want. As to the police report (Führungszeugnis) this will of course show the conviction and must therefor never be shown to the Consul. He will be instructed from Habana to overlook this; if he should ask, the reply should be: I cannot get it from the German authorities.

I have not written the above to Lilli, but I have written to her that the Consul would have instructions to issue the visa on or March 8th and that nobody should see the Cuban Consul for the time being

— until he has not been advised by his superiors in Habana.

Please tell Lilli also that she should engage an american or english attorney (living in Germany) to assist Alfred after March 5th in case she decided to leave Germany before that date.

I am still working in Washington for a favorable decision; but the prospects are not good. A decision may be rendered this week.

Let us hope 1939 will bring us all more happiness.

Sincerely Max

HÔTEL MODERNE
& DES TROIS DAUPHINS

Rue Félix-Poulat
GRENOBLE

G. Rivier, Propriétaire

TÉLÉPHONE 2.71
Télégrammer:
HOTEL MODERNE - GRENOBLE

Le 2/I/39.

Meine liebe Lili! Ich habe Deinen sehr ausführlichen Brief wie die [illegible] gelesen + freue mich immer, Post zu haben. – Ich finde Dein sehr langes Schweigen sehr rücksichtslos + warte nun, bis Deine Antwort kommt. Falls nicht, bitte ich Dich, Folgendes zu überlegen + mich anzurufen, falls dringend (ich war 8¼ Uhr daheim): Act 85-73

1.) Ist der Fall vorbei, dass Visum f. U.S.A. nicht gegeben wird; denke dabei ich, dass wir Visum f. Cuba oder Dominik Republik oder Südamerika. Könnt Ihr besorgen helfen. Ich will mich gerne für Deinen bemühen, brauche aber dazu Dein Einverständnis.

2.) Falls das gegeben werden kann, wollt Ihr direkt fahren oder über Nizza + die Riviera reisen? In diesem Fall müsste ich wie Franz Sitz-Visum für Eure Reise.

3.) Welcher Hafen würde Dir mehr zusagen: Cuba oder Peru? ~~Zuerst~~ Letzteres soll billiger sein. –

Ich erwarte gerne recht baldige Antwort, da wenn das möglich sein muss, ich doch für einige Zeit verreise. Dienstag ist, falls es gewünscht wird, Rosenmontag – nun für 3 Uhr oder 4 Uhr spielen? Mein Gott. –

Nochmals meine besten Wünsche für 1939. Grüss Dich Dorothee.

Herzliche

Dein Walter

FORM. C00 - PA 1A

Signification des principales indications de service taxées pouvant figurer en tête de l'adresse

D... = Urgent
PC. = Accusé de réception
RP. = Réponse payée
TC. = Télégramme collationné
MP. = Remettre en mains propres

XP..... = Exprès payé
NUIT..... = Remettre même pendant la nuit
JOUR..... = Remettre seulement pendant le jour
OUVERT. = Remettre ouvert

Timbre à date

"VIA COMMERCIAL"

ADVISE LILLI WASHINGTON DECISION FAVORABLE BUT WILL NOT BE OFFICIAL FOR SEVERAL DAYS STOP SHOULD BE KEPT STRICTLY CONFIDENTIAL ESPECIALLY AT HOME STOP STUTTGART SHOULD NOT BE VISITED UNTIL FURTHER NOTICE FROM ME = MAX

Intentional Second Exposure

FORM. C00 - PA 1A

Signification des principales indications de service taxées pouvant figurer en tête de l'adresse

D... = Urgent	XP..... = Exprès payé
PC. = Accusé de réception	NUIT..... = Remettre même pendant la nuit
RP. = Réponse payée	JOUR..... = Remettre seulement pendant le jour
TC. = Télégramme collationné	OUVERT. = Remettre ouvert
MP. = Remettre en mains propres	

Timbre à date

"VIA COMMERCIAL"

ADVISE LILLI WASHINGTON DECISION FAVORABLE BUT WILL NOT BE OFFICIAL FOR SEVERAL DAYS STOP SHOULD BE KEPT STRICTLY CONFIDENTIAL ESPECIALLY AT HOME STOP STUTTGART SHOULD NOT BE VISITED UNTIL FURTHER NOTICE FROM ME = MAX

TÉLÉGRAMME „ VIA CO

68 686

NLT BIERER 108 BOULEVARD

EXELMANS

LE PORT EST GRATUIT. Le facteur doit délivrer un récépissé à souche lorsqu'il est chargé de recouvrer une taxe.

PARIS

Letter ~~to~~ from Lothar Weil, Stockholm, 29.12.38

Dear Walter, our mutual friend Friedl is here for a short stay and I am writing at his request.

He reports about Lilli, so far good. My dear mother, however, could not stand this life any more and has left us last Sunday forever. If Ilse wants to write to Betty, her address is now: B.W. 77 Empire Court, Wembley Park, (Mdx,) England.

In matters Alfred we had an exchange of cables with Max and I give you verbatim what regards Alfred:

Max to us: Washington may render decision next week, stop, prospects not so good."

We to Max: provided negative decision Washington urge you getting visas for Cuba for Alfred and family immediately stop possible through guarantee in Cuba."

Friedl will inform Lilli herself about the difficulties, which . by the way, are already known to Lilli. So, don't write to Lilli about it. But if the efforts concerningCuba are without success, we ask you to do your utmost to obtain other visas. You will be informed in this matter eiher by Lilli -- Fridel, or by me.

Further, Friedel asks you to keep me regularly informed about the affair Canada. I reassure you that I shall not talk about this matter with anybody and will have opportunity, on my part, to pass on news to Friedel within the framework of the correspondence.

Friedel asks o be excused once more for not writing himself to you; but you can imagine hat there are oodles of things to take care of.

Receive for today most cordial greetings , also o Ilse, and please confirm the receipt of this letter. Yours (Loli?)

Handwritten: Ear Walter, Please excuse the brevity but I am in terrible haste. Many thanks in advance. Have as happy and successful 1939 as possible. YOurs, Friedel.

[illegible] Weil
c/o. F. Landmann & Viner A/B.
Stockholm

Stockholm, 29.12.38.

Internationalstatan 1.

Lieber Walter !

[illegible] berichtet von Lilli soweit gut.- Meine liebe Mutter konnte jedoch dieses Leben nicht mehr ertragen und hat uns [illegible] für immer verlassen . Sofern Ihr Betty schreiben will, deren Adresse ist nun : [illegible] , 77 Inverness Court, Wembley Park [illegible], ([illegible])England

Von Onkel Alfred hatten wir mit der Telegramwechsel und habe ich Ihnen nachstehend den Wortlaut der Alfred betreffenden Briefe :

[illegible] : "Washington may render decision next week stop prospects are not good . "

[illegible] : provided negative decision washington urge you getting visas for cuba for alfred and family immediately stop possible through guarantee in cuba . "

Friedl wird Lilli selbst von den Schwierigkeiten unterrichten, die Lilli nebenbei auch schon bekannt sind . Schreibe also darüber nichts an Lilli. Sofern jedoch die Bemühungen ,Dich betreffend keinen Erfolg haben sollten, so möchten wir Dich bitten zur Beschaffung von anderen Visen Dein möglichstes zu tun. Du wirst in dieser Sache entweder von Lilli -Friedl- oder von mir unterrichtet .

Ferner bittet Dich Friedl,dass Du mich über die Affäre Gerade laufend unterrichtest. Ich versichere Dir, über diesen Punkt mit niemanden zu sprechen und werde meinerseits im Rahmen der laufenden Korrespondenz immer Interessen mit haben Nachrichten an Friedl weiter zu geben.

Friedl bittet nochmals um Entschuldigung,dass er nicht selbst an Dich schreibt, jedoch kannst Du Dir vorstellen, dass es eine Unmenge zu erledigen gibt.

Ich sage für heute herzliche Grüsse , auch für Ilse und betätige mir bitte den Eingang des Briefes .

Dein

Lieber Walter,

entschuldige die Kürze, aber ich habe ein schreckliches Gefühl. Vielen Dank im voraus.

Ein möglichst frohes und erfolgreiches 1939.

Dein Friedl.

Mme Schultz
Poitiers

2
1 min 5 -
60. Bon 180
150

American Consulte, Stuttgart 19th December 1938

To Dr. Lilli Rahn

In answer to your letter of 13. December 1938 the consulate confirms, as you wished, that you and your family already had visas which had to become invalid , that you registered here legitimately on the waiting list and that you can apply legitimately for a new visa as soon as your husband and the rest of the family are able to do so
Sincerely, for the General Consul H.J. L'Heureux, American Consul.

24. December 38 Handwritten note to Walter

Dear Walter, please tell Ernst Metzger that I have received his letter of 10.12. in which he confirmed the cable to meet Dr. Goldmann. Dr.Goldmann has obtained a very good introduction for me and the mediation may be able to bring about a favorable decision. But , honestly, the outlook is very bad. A decision has not yet been made either way, but I had almost given up hope that the officials here will come to another decision that the Stuttgart attorney. I have written Lilli the same thing, because she has to look for another country quickly. I am sure you and yours will help her.
I have come to N.Y. for the weekend , but Monday night I go to Washington again, and as long as a possibility exist I shall stay there.
Mother has already talked with Loefflers, I shall see her tomorrow.
Let's hope that 1939 will be better than 1938
Warmly, Max

24. Dez. 38.

Lieber Walter! —

Bitte sage Ernst Metzger, daß ich seinen Brief vom 10. IX. erhalten habe, in dem er mir das Kabel bestätigte Herrn Dr. Goldmann zu treffen. Herr Dr. G. hat mir eine sehr gute Einführung verschafft und die Vermittlung des betreffenden Herrn kann vielleicht eine günstige Entscheidung noch herbeiführen.

Aber ehrlich gesagt, die Aussichten hier sind sehr schlecht. Eine Entscheidung ist noch nicht getroffen worden — weder so noch so — aber ich habe fast die Hoffnung aufgegeben, daß die hiesigen Behörden zu einer anderen Entscheidung als der Stuttgarter Anwalt kommen werden. Ich habe dasselbe Lilli Leute auch geschrieben, denn sie muß sich unbedingt nach einem anderen Land umschauen. Ich hier sieben, wo und die deinen werden ihr helfen.

Ich hier übers week-end nach Rf.

gekommen, aber Montag nachts gehe ich wieder nach Washington und so lange noch eine Möglichkeit besteht, werde ich dort bleiben!

Mutter hat Löfflers bereits gesprochen, ich werde sie morgen sehen.

Lass uns hoffen, daß 1939 besser wird als 1938 gewesen ist.

Herzlichst

Mary

Dear Lilli:- N.Y. 12/24/38. (1)

You will pardon the stationery - but the only one we have here is very small and I don't like it. I believe I have acknowledged receipt of all your letters with the exception of the last one arrived this week, it is dated 11/12/38 (No. 19).

Maria had to come to N.Y. last Monday night and I followed her Thursday because I wanted to see some people on Friday and because of Xmas everything is closed from Saturday until Monday. Monday night I shall go back to Washington.

As you see, I have still been unable to secure a decision and I am sorry to say things do not look encouraging. I have done my best - you know that - but as matters stand today, I hardly dare hope for a reversal of the Stuttgart lawyer's opinion. Now mind you, no ruling has been issued and there is still a chance of a favorable decision. - But at the same time we must seriously take into account the possibility of an unfavorable ruling and we must therefor look for other ways out.

I wrote you a week or two ago about the possibility of Cuba; please do not go and see any Cuban Consul until I advise you. Ben Wolfner is making the necessary inquiries directly in Habana.

What I want you to do, is to make inquiries yourself or have someone like Friedl do it, about the possibilities of entry into other countries. I shall do the same thing here. Even if there is at the time a visa available for a limited stay only, or a visa without a permission to work, you should of course take it.

I have written the above in a very matter-of-fact style, but you know that I feel otherwise.

24. Dez. 38.

Lieber Walter! —

Bitte sage Ernst Metzger, daß ich seinen Brief vom 10. IX. erhalten habe, in dem er mir das Kabel bestätigte Herrn Dr. Goldmann zu treffen. Herr Dr. G. hat mir eine sehr gute Einführung verschafft und die Vermittlung des betreffenden Herrn kann vielleicht eine günstige Entscheidung noch herbeiführen.

Aber ehrlich gesagt, die Aussichten hier sind sehr schlecht. Eine Entscheidung ist noch nicht getroffen worden — weder so noch so — aber ich habe fast die Hoffnung aufgegeben, daß die hiesigen Behörden zu einer anderen Entscheidung als der Stuttgarter Anwalts Kammer werden. Ich habe dasselbe Lilli heute auch geschrieben, denn sie muß sich unbedingt nach einem anderen Land umschauen. Ich hoffe sicher, Ernst und Lie können uns helfen.

Ich bin übers week-end nach N.Y.

gekommen, aber Montag nachts gehe ich wieder nach Washington und so lange noch eine Möglichkeit besteht, werde ich dort bleiben!

Mutter hat Löfflers bereits gesprochen, ich werde sie morgen sehen.

Laus uns hoffen, daß 1939 besser wird als 1938 gewesen ist.

Herzlichst

Ihr

Dear Lilli:- N.Y. 12/24/38.

(1)

You will pardon the stationery - but the only one we have here is very small and I don't like it. I believe I have acknowledged receipt of all your letters with the exception of the last one arrived this week, it is dated 11/12/38 (No. 19).

Maria had to come to N.Y. last Monday night and I followed her Thursday because I wanted to see some people on Friday and because of Xmas everything is closed from Saturday until Monday. Monday night I shall go back to Washington.

As you see, I have still been unable to secure a decision and I am sorry to say things do not look encouraging. I have done my best - you know that - but as matters stand today, I hardly dare hope for a reversal of the Stuttgart lawyer's opinion. Now mind you, no ruling has been issued and there is still a chance of a favorable decision.- But at the same time we must seriously take into account the possibility of an unfavorable ruling and we must therefor look for other ways out.

I wrote you a week or two ago about the possibility of Cuba; please do not go and see any Cuban Consul until I advise you. Ben Wolfner is making the necessary inquiries directly in Habana.

What I want you to do, is to make inquiries yourself or have someone like Friedl do it, about the possibilities of entry into other countries. I shall do the same thing here. Even if there is at the time a visa available for a limited stay only, or a visa without a permission to work, you should of course take it.

I have written the above in a very matter-of-fact style, but you know that I feel otherwise.

As I told you above, I shall continue to work in Washington trying to secure a favorable decision. As soon as anything is definitely decided, I shall cable.

I also enclose a letter with the information about mother's affairs.

I pray that the New Year will bring us all more Happiness.

Mx D

Dearest Lilli,

Again I say that I regret so much that letters are our only means of communication! Paper is cold and dry. Wish I could be near you Lilli, to tell you how much we want + hope that things turn out for the better in 1939.

I also feel it my duty to tell you that as far as Washington is concerned I know that every possible resource has been tapped, every available help put to work and that Mary has worked unceasingly + desperately yet to get what we all want. We both gave this time with pleasure Lilli, please do not apologize for it - We would gladly give so much more of ourselves if we could only be of assistance! you know that. I am planning to sail shortly after the first, but Mary will stay on until we know the final outcome - And in every way and at all times my heart goes to you + I pray God that you keep healthy + strong and hopeful.

All my love

Maria

Roman's letter

30. 12. 38

Ich würde, liebe Lilly, Ihnen einen Schuss vom neuen, vom glücklichen für Sie Jahr schreiben, wenn ich nicht selbst daran wirklich glauben würde. Ich habe meinen Vetter Walter besucht und mich wirklich gefreut wie ordentlich und sauber seine Sachen der Junge hält. Sie werden mir antworten, was interessiert es mich jetzt! Sie sehen die Sachen nicht ganz objektiv. Die Reise von hier und die Ausreise nach Nord Am. ist viel umständlicher, schwierigen, komplicierter und vermütz unangenehmer als nach Mittel oder Süd. Es interessiert Sie das Sofort - Programm. Später kommt nachher. Auch Max's Reise wäre jetzt unnütz, Sie wissen doch dass der Gedanke früher von mir sehr begrüsst wurde. Wir stehen nicht grundlos mit Süd Amerika gut. Ich halte gegebenenfalls wenn es nötig sein wird später auch eine Bitte vom Konsul für möglich da ja Auswanderer ja mal Bürger des Landes werden sollen. Also dass es jetzt nicht klappt so wie Sie dachten, ist gar kein Malheur. Vielleicht ist es anders ebenso gut. Es genügt wenn Ruth - Marion den Weg der alten „Santa Maria" nimmt. Und ihr werden die Indianer Herzen zujubeln: „wir sind entdeckt. Erstens kommt es anders, zweitens als man denkt. Auch im schlechten. Und jetzt wo es zum Endspurt geht; Kopf hängen lassen? Das Schicksalsjahr geht über die Schwelle. Muss man den Kaffeegrund untersuchen um glückliche

weite Fahrt, Schaumkronen auf den Wellen,
den Albatros über den Masten und Alfred's
Gesicht im Liegestuhl zu sehen? Ich bete zu
Gott und wünsche Ihnen mit meiner ganzen
Kraft - unerwartete Freude!

Roman.

IN REPLY REFER TO
FILE NO. 811.11 Rahn, Lilli
HJL:ES

DEPARTMENT OF STATE

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

AMERICAN CONSULATE

Stuttgart, den 19. Dezember 1938.

Frau Dr. Lilli Rahn,
Adolf Hitlerstr. 26,
Fuerth, B.

In Beantwortung Ihres Schreibens vom 13. Dezember 1938 bestaetigt Ihnen das Konsulat hiermit wunschgemaess, dass Sie und Ihre Familie bereits Visen hatten, sie verfallen lassen mussten, dass Sie sich ordnungsgemaess auf der hiesigen Warteliste eintragen liessen, und dass Sie sofort ein neues Visum hier beantragen koennen, sobald Ihr Mann, und die uebrige Familie dazu in der Lage sind.

Hochachtungsvoll
Fuer den Generalkonsul:

H. J. L'Heureux

H. J. L'Heureux,
Amerikanischer Konsul.

IN REPLY REFER TO
FILE NO. 811.11 Rahn, Lilli
HJL:ES

DEPARTMENT OF STATE

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

AMERICAN CONSULATE

Stuttgart, den 19. Dezember 1938.

Frau Dr. Lilli Rahn,
Adolf Hitlerstr. 26,
Fuerth, B.

In Beantwortung Ihres Schreibens vom 13. Dezember 1938 bestaetigt Ihnen das Konsulat hiermit wunschgemaess, dass Sie und Ihre Familie bereits Visen hatten, sie verfallen lassen mussten, dass Sie sich ordnungsgemaess auf der hiesigen Warteliste eintragen liessen, und dass Sie sofort ein neues Visum hier beantragen koennen, sobald Ihr Mann, und die uebrige Familie dazu in der Lage sind.

Hochachtungsvoll
Fuer den Generalkonsul:

H. J. L'Heureux,
Amerikanischer Konsul.

Fürth i.B., December 13th,1938

Mr.J.H.L'Heureux
American Consul
Stuttgart
Königstr.19 A

Dear Sir,

In order to get a new passport the passport office, Fürth i.B. wants me to prove that we have the serious intention to emmigrate to the U.S. Therefore would you kindly send me a few lines, if possible in German language, in which you will repeat what you already told me some weeks ago, that persons who once had obtained an American immigration visa and were not able to enter the U.S. before it expired, will get a new visa as soon as they are able to ask for it again.

I thank you very much and remain respectfully

Yours

Enclosure:
1 stamped envelope

The Willard Hotel

Washington, D. C.

12/15/38.

Our cable address is "GENCIGCO"

Dear Lilli:-

First of all, let me acknowledge receipt of your last 2 letters of Nov. 28th (No. 17) and Dec. 30th (No. 18) both of which arrived here the day before yesterday. I also want to confirm our various cables. I sent you the last this morning and I hope to receive your reply tomorrow.

I cannot give you all the details of the status of the affair here because that would take too long. About 2 weeks ago, the State Dept. decided it could not form an opinion and the case was then submitted to the Department of Justice for decision. The case receives there the most sympathetic attention - but the people there resolved to study certain questions of principle involved - and therefor the delay. No stone has been left unmoved to call the officials' attention to the true problems adherent to the case.

I know and I don't forget for one moment what this delay means to you all. But please do not despair because of it. And even if the decision should be unfavorable, you must not lose courage. If it should

come to that, I have no doubt that your immigration into Cuba can be arranged. Even though I expect a favorable decision for immigration into U.S.A., I have asked Ben Wolfeck who left Monday for Habana, to inform me about Cuban regulations. (XX)

Concerning the last cable of today in which I inquired whether Mr. Wirth's name could be used by my attorney in talking to Government officials here, I want to explain that I don't know whether this will lead to anything constructive. But we have in mind that this man might possibly be well versed in german law and (possibly could) therefor give the officials here a new angle on the situation. However, ~~that~~ we wanted to be sure that such action was found proper by Mr. Wirth himself.

Regarding the child, we think she and the nurse should emigrate now - if for no other reason than to relieve you of that part of your work. In view of the complexity in connection with a child's immigration into USA - such as you describe - it might be preferable to send them for the time being to your relatives in France.

(XX) Therefor, you should make passport applications for you all at once. If it should be necessary when applying for passports, to prove that one has an immigration permit (for some country), kindly cable me

The Willard Hotel

Washington, D. C.

upon receipt of this letter accordingly. Then - if I don't have at that time any assurances as to the USA visa, I will make arrangements for the Cuban permits. If the U.S.A. problems are solved satisfactorily subsequently, then you don't have to use the Cuban visa.

As I have already cabled you, I shall stay here as long as necessary. Next Friday, I expect to go to N.Y. to spend Xmas (Christmas) with Nicolas — but I'll return to Washington the following Monday or Tuesday.

Love

Max

My heartiest wishes this Xmas and for 1939 you know what they are Lilli dear. We hope that the coming weeks bring us the peace we need & seek!

My best love

Ever,

Maria

THE WILLARD HOTEL
WASHINGTON, D. C.

Dec. 8th, 1938.

Dear Lilli:—

It wasn't until the day before yesterday that I received your letters No. 15 (Nov. 18th) and No. 16 (Nov. 22nd). Let me repeat again that we are doing our best to get a favorable decision as promptly as possible.

I had cabled you 2 days ago that Louis Kupfer sailed last Friday for Europe; although I don't know whether this information will be helpful in any way, I wanted you to know about his trip in case you felt you wanted to see him.

No more for today. Our thoughts are with you. Max will write more.

Love Max

Dearest Lilli,

Among all the thoughts that go through my mind these days, this one occurred to me and I want you to consider it. It might be

helpful (and we would love to do it) to have us take care of Ruth Marion & the house in Puerto Rico until you and Alfred get settled after next spring. This offer and wish is also true anytime you so desired. Should you find it convenient to part with the baby now, I want you to be sure that it will be a privilege for me to have her with us. My heart aches when I talk about this matter so humbly to you, Lilli, because I know what your heart says to you. It is to what decision to make in that regard no one but you can make it. I pray that you get strength and help to do the best you can. It will be a responsibility that you only can assume so successfully but I promise you that I shall do my best to take care of our little treasure.

What else can I tell you to-day, except to ask you again to take good care of yourself. Keep your chin up and hope for the best? We are doing all we can everyday. My best love—

Mama

Dr. Lilli Sara Rahn
Adolf Hitlerstrasse 26

Fürth i. B.

RP NLT Rahn Willard Hotel

Washington

According your message visit Stuttgart monday

Telegramm von Berlin
41. 10
20

Fuerth i.B. 16.12.38 To Frederick Wirth,Attorney, Berlin W 35

Esteemed Mr. Attorney, My brother-in-law cabled me as follows in answer to the telegram which you sent after the telephone converstion between you and Mr. Landmnn: "Argument of correct final sum has been stressed by my lwyer stop consider it unwise to engage additional counsel of change counsel stop intend to remain Washington as long as necessary."

Yesterday a second telegram arrived which reads:" Cable whether my attorney William H. Ramsey Woodward Building may use Wirth's name in conference with government officials and communicate with Wirth if necessary,"

Before I answer my brother I would have liked to talk to you by phone, which was not possible for me in the course of today. But since I did not want to keep my brother-in-law waiting for an answer at the state in which matters are at the moment I have presupposed your agreement and have cabled him as follows"

"Ramsey may use Wirth's name and communicate with him"

I did not wish o

I did not wish to neglect to inform you immediately of this in case Mr.William H. Ramsey should get in touch with you directly.

Sincerely, etc.

Law Offices Frederick Wirth, Jr. of the New York Bar 17. December 1938

To Dr. Lilli Rahn

Esteemed gracious lady, I confirm the receipt of your message or the 16th his month and thank you for the notification . I am entirely willing that Mr. Ramsey may use my name in the sense or your cable. With greatest esteem

20 W m

LÜTZOWUFER 17
BERLIN W 35

TELEPHONE:
21 12 28

LAW OFFICES
OF
FREDERICK WIRTH, JR.
OF THE
NEW YORK BAR

CABLE ADDRESS:
"TRUSTOFFICE BERLIN"

LONDON:
7 & 8 GREAT WINCHESTER STREET
E. C. 2

17. Dezember 1938.

Frau Dr.Phil.Lilli Rahn,
Fürth i.B.
Adolf Hitlerstr. 26.

Sehr geehrte gnädige Frau:-

Ich bestätige den Empfang Ihrer gefl.Zuschrift vom 16.ds.Mts.und danke Ihnen für die Benachrichtigung.Ich bin durchaus damit einverstanden, dass sich Mr. Ramsay meines Namens im Sinne Ihres Kabels bedient.

Mit vorzüglicher Hochachtung

Fürth i.B., den 16.12.38
Adolf Hitlerstr.26

Herrn Frederick Wirth
Rechtsanwalt
Lützowufer 17
Berlin W 35

Sehr geehrter Herr Rechtsanwalt,

Mein Schwager drahtete mir als Antwort auf das nach dem Telefongespräch zwischen Ihnen und Herrn Landmann gesandte Telegramm, wie folgt:

"Argument of correct final sum has been stressed by my lawyer stop consider it unwise to engage additional counsel or change counsel stop intend to remain Washington as long as necessary".

Gestern kam nun ein weiteres Telegramm folgenden Inhalts:

"Cable wether my attorney Williams H.Ramsay Woodward Building may use Wirths name in conferences with government offivials and communicate with Wirth if necessary".

Bevor ich meinem Schwager darauf antworten wollte, hätte ich Sie gerne telfonisch erreicht, was mir aber im Laufe des heutigen Tages leider nicht möglich war. Da ich andererseits in dem Stadium in welchem sich die Sache augenblicklich befindet meinen Schwager nicht länger auf Antwort warten lassen wollte, habe ich, Ihr Einverständnis voraussetzend, an ihn nun wie folgt telegraphiert:

"Ramsey may use Wirths name and communicate with him".

Ich wollte nun nicht versäumen Sie sofort hiervon zu informieren, falls Mr. William H. Ramsay sich direkt mit Ihnen in Verbindung setzen sollte.

Mit vorzüglicher Hochachtung!

Handwritten letter from Max to Walter on Willard Hotel Statioery 12/15

Dear Walter, I confirm the receipt of your letter of Dec. 4 and today I also received Friedel's letter of Nov. 28, which you no doubt have read. Tuesday I was in New York where I discussed Alfred's case with a Mr. Rifkin, to whom Mr.Goldmann had introduced me. Mr.Rifkin is a partner of the very well-known Senator Wagner and Mr. Rifkin promised me the help and intervention of the Senator. We have to wait what success the Senator will have.
Concerning the situation itself I have to tell you that absolutely nothing has changed. The Department of Justice has decided to treat Alfred's case as "test case" (how do you say that in German?) and the result may mean a complete change in attitude in regards to German convictions on the part of the American Government. As I wrote to you recently, American law does not allow the officials in the State Department to consider the reasons and circumstances which lead to a conviction by a foreign Court of Justice. Only the judgment has to be considered. But since German law is, according to American comprehension (or understanding) so "unlawful" all-in-all , the Department of Justice is studying now if it isn't time to forget the old-fashioned interpretation.

In spite of yours and Friedel's letter I have not changed my opinion with regard to trip to Germany. I am of course turning the matter over in my head constantly. Meanwhile you must have received my letter, in which I explained my reasons against trip to Germany. Please write me your opinion immediately.
We wrote to Lilli last week and again today, she should send Ruth Marion over. Cordially,
Max

25 Illmi

THE WILLARD HOTEL
WASHINGTON, D. C.

12/15

Lieber Walter: —

Ich bestätige den Erhalt Deines Briefes vom 4. Dez. und heute erhielt ich auch Friedls Brief vom 28. Nov., den Du ohne Zweifel gelesen hast. Dienstag war ich in New York, wo ich Alfreds Fall mit einem Mr. Rifkin besprach, zu dem mich Hr. Goldmann eingeführt hatte. Mr. Rifkin ist ein Partner des sehr bekannten Senators Wagner und Mr. R. versprach mir die Hilfe und Intervention des Senators. Wir müssen abwarten, welchen Erfolg der Senator hat.

Über den Stand der Angelegenheit selbst muss ich Dir mitteilen, daß sich absolut nichts geändert hat. Das Justizministerium (Department of Justice) hat entschlossen, Alfreds Fall als "test case" (wie sagt man dafür auf deutsch?) zu behandeln und das Resultat mag vielleicht eine vollständige Änderung in der Einstellung der amerikanischen Regierung, was deutsche Verurteilungen anbetrifft, bedeuten. Wie ich Dir kürzlich schrieb, verbieten amerikanische Gesetze den Beamten im dept. of state etc. die Gründe und Umstände

zu berücksichtigen, die zur Verurteilung vor einem ausländischen Gericht geführt haben. Nur das Urteil darf in Erwägung gezogen werden. Da ~~sich~~ deutsche Gesetzgebung aber nach amerikanischer Auffassung im ganzen so "ungesetzlich" ist, studiert das Dept. of Justice jetzt, ob es nicht Zeit wäre die altmodische Interpretation zu vergessen.

Über eine Reise nach Deutschland habe ich trotz Deines und Fridels Brief meine Meinung noch nicht geändert. Die Sache geht mir natürlich dauernd im Kopf rum. In der Zwischenzeit mußt Du meinen Brief erhalten haben, in dem ich Dir meine Gründe gegen eine Reise nach D. gebe. Bitte schreibe mir umgehend deine Meinung.

—

Wir haben Lilli vorige Woche und heute wieder geschrieben, sie soll Ruth Marian Lenas- schicken.

Herzlichst

Max

Dr. L[illegible]ll Rahn
Adolf H[illegible]tlerstr. 26

RP LC RAHN Willard Hotel

Washington

Ramsey may use Wirths name and communicate with him

Wirth ? B.

073 Telegramm

Deutsche Reichspost

aus 773 WASHINGTON DC 220 32 15 1216 S WUNEM

Aufgenommen
Tag Monat Jahr Zeit 1102

von 1[illegible]-1938 durch

Amt Fürth (Bay)

= LC= RAHN CARE BIERER
ADOLF HITLERSTR 26 FUERTHBAY=

Tag Zeit

an durch

= CABLE WHETHER MY ATTORNEY WILLIAMS H RAMSEY
WOODWARD BUILDING MAY USE WIRTHS NAME IN CONFERENCES WITH
GOVERNMENT OFFICIALS AND COMMUNICATE WITH WIRTH IF NECESSARY +

Raum für dienstliche Rückfragen

26 +

(3. 38)

C 187 Din A 5

021 Telegramm

Deutsche Reichspost

+ 21 WASHINGTON DC 957 39 14 1954 VIA TRANSRADIO =

av.

Aufgenommen
Tag Monat Jahr Zeit
15 DEZ 1938

von durch

Amt Fürth (Bay.)

Befördert
Tag Zeit

an durch

bei Bieber

NLT = RAHN CARE BIEBER

ADOLF HITLERSTR 26 FUERTHBAYERN =

ARGUMENT OF CORRECT FINAL SUM HAS BEEN STRESSED BY MY LAWYER STOP CONSIDER IT UNWISE TO ENGAGE ADDITIONAL COUNSEL OR CHANGE COUNSEL STOP INTEND TO REMAIN WASHINGTON AS LONG AS NECESSARY+

Raum für dienstliche Rückfragen

(S. 38)

C 187 Dtn A 5

NLT Kahn Willard Hotel

Washington

Had another conference Frederick Wirth Luetzowufer I7 Berlin consular attorney suggests consult Abbot Mills highclass Washington attorney stop Wirths opinion moral turpitude not involved according american legislation stop most important is that the final sum was correctly stated by Alfred to currency authorities only rubrication of details was in question stop Wirth suggests if necessary for Mills to contact directly with him by cable

Lilli

No. 20 13.12.38

Dear Max,

In the meantime you got the telegramm Friedl did send you yesterday on my behalf after his telephone-conversation with Mr.Wirth. He cabled:

" Had another conference Frederick Wirth Lützowüfer 17 Berlin consular attorney suggests consult Abbot Mills highclass Washington attorney stop Wirths opinion moral turpitude not involved according american legislation stop most important is that the final sum was correctly stated by Alfred to currency authorities only rubrication of details was in question stop Wirth suggests if necessary for Mills to contact directly with him by cable.Lilli."

This morning I got a letter from Mr.Wirth, whose copy is enclosed. I hope all this will help you. You see we do what we can. For the money I stent this year only in connection with this visa affair for attorneys, railway, telegrams and so on I could have lived on another year!

My best wishes and all my love to you both!
Yours

077 Telegramm

Deutsche Reichspost

aus 477 WASHINGTON DC 509 17 10 WUNEM =

Aufgenommen
Tag Monat Jahr Zeit
11 DEZ 1933 633

von [redacted] durch

Befördert
Tag Zeit

an durch

Amt Firth (Bay)

= NLT = RAHN CARE BIERER

ADOLF HITLERSTR 26 FUERTHBAY =

CABLE LEGAL REASONS FOR FAVORABLE OPINION BERLIN

CONSULAR LAWYER +

Raum für dienstliche Rückfragen

(3. 38)

C 187 Dtu A 5

Furth i.B. 12.12.38

To Mr.Wirth, Attorney, Berlin W.35

Esteemed Mr. Attorney,

Mr. Landsmann informed me about the telephone converstion he has had with you and I have informed my brother-in-law accordingly. Since I also gave him you address it is possible that he will get in touch with you directly. Should you receive any news from my brother-in-law, Mr. Max Rahn. c/o HotelWillard, Washsington or any other news in our case I ask you to inform me of it.

Most respectfully

Telegram, Americ. Consulate Berlin, Bellevuestr.

You received a telegram from the State Department in Washington dated Nov. 17.1938 in in re Alfred Rahn, Fuerth. Request immediate forwarding of the telegram to Stuttgart, since Consul L'Heureusx is working on this matter and is expecting this telegram.Lilli Rahn

RP NLT Rahn Willard Hotel,Washsington D.C.

Private opinion of Berlin Americn Legal Counsel of Consulate very favorable stop decision usually 14 days after exchange of cables Washington-B erlin stop recommend check today with StateDepartment.

Dr. Willi Rahn
Ad. Hitler, Str. 26

RP NLT Rahn

Willard Hotel

Washington D.C.

Privatmeinung Berliner amerikanischen Konsulatsanwaltes sehr günstig stop Entscheidung erfahrungsgemäss 14 Tage nach Kabelwechsel Washington Berlin zu erwarten stop empfiehlt dir heute ~~xxxxxxxxxxxxxxxx~~ Staatsdepartement rückzufragen.

Fürth 1.B.

26.96 M

075 Telegramm

Deutsche Reichspost

aus -0175 WASHINGTONDC 193 16/7 1212 WUNEM =

Aufgenommen
Tag Monat Jahr Zeit 1915

von 17 DEZ 1933 durch

Amt Fürth (Bay)

LC = RAHN CARE BIERER
ADOLF HITLERSTR 26 FUERTHBAY =

Befördert
Tag Zeit

an durch

KEPFER SAILED FOR EUROPE QUEEN MARY LAST FRIDAY +

Raum für dienstliche Rückfragen

26 +

(3. 38)

C 187 Din A 5

GBN- 80
WASHINGTON-DC
28-29-11HO1

Signification des principales indications éventuelles pouvant figurer en tête de l'adresse

D... = Urgent.
AR. = Remettre contre reçu.
PC. = Accusé de réception.
RP. = Réponse payée.
TC. = Télégramme collationné.
MP. = Remettre en main propre.

XPx..... = Exprès payé.
NUIT..... = Remettre même pendant la nuit.
JOUR.... = Remettre seulement pendant le jour.
OUVERT = Remettre ouvert.

Via WESTERN UNION

HERSHFIELD APPROVES ALL STEPS TAKEN BY ME AND CANNOT SUGGEST ADDITIONAL MEASURES STOP FINAL DECISION WILL REQUIRE AT LEAST ANOTHER TEN DAYS

PARIS 52
11 55 29XI
1938
75 R. POUSSIN
PARIS 98
11 12 29XI
1938
BOURSE

075 Telegramm

Deutsche Reichspost

aus 675 WASHINGTON DC 228 45 29 1213 S WUNEM =

Aufgenommen Tag Monat Jahr Zeit		Befördert Tag Zeit
von NOV 1938 durch	= LC = RAHN CARE BIEBER ADOLF HITLERSTR 26 FUERTHBAY =	an durch
Amt Fürth (Bay.)		

HAVE ADVISED NOVEMBER SEVENTEENTH THAT WASHINGTON CABLED BERLIN AND NOT STUTTGART STOP BERLIN REPLY RECEIVED HERE WEEK AGO STOP SPECIFIC INFORMATION BY CABLE ABOUT OTHER CASES ALREADY POSITIVELY ARRANGED MIGHT PROVE HELPFUL STOP

AM USING BEST EFFORTS +

Raum für dienstliche Rückfragen

26 +

(9. 38)

C 187 Din A 5

RARM715

WASHINGTON DC 58 17

Signification des principales indications éventuelles pouvant figurer en tête de l'adresse

D... = Urgent.
AR. = Remettre contre reçu.
PC. = Accusé de réception.
RP. = Réponse payée.
TC. = Télégramme collationné.
MP. = Remettre en main propre.

XPx..... = Exprés payé.
NUIT..... = Remettre même pendant la nuit.
JOUR.... = Remettre seulement pendant le jour.
OUVERT = Remettre ouvert.

Via WESTERN UNION

REQUEST OF STATE DEPARTMENT WAS CABLED ONLY TODAY TO BERLIN CONSUL GENERAL INSTEAD OF TO STUTTGART STOP BELIEVE INFORMA-
-TION REQUESTED IS WHETHER VIOLATION COMMITTED CONCERNED MATERIAL OR IMMATERIAL POINTS STOP AFTER TODAYS INTERVIEW PERSONAL INTERVENTION IN MY OPINION A VERY DELICATE MATTER AND SHOULD BE ATTEMPTED ONLY IF RIGHT APPROACH AVAILABLE

PARIS 53
7 ⅌ 15 H
1958
15 R. POUSSIN

RF209 WASHINGTO NDC

51 16

Signification des principales indications éventuelles pouvant figurer en tête de l'adresse

D... = Urgent.
AR. = Remettre contre reçu.
PC. = Accusé de réception.
RP. = Réponse payée.
TC. = Télégramme collationné.
MP. = Remettre en main propre.

XPx..... = Exprès payé.
NUIT..... = Remettre même pendant la nuit.
JOUR.... = Remettre seulement pendant le jour.
OUVERT = Remettre ouvert.

Via WESTERN UNION

URGENT YOU INFORM LILLI IMMEDIATELY THAT STATE DEPARTMENT IS CABLING STUTTGART TODAY REQUESTING FURTHER INFORMATION AND POSSIBLY OPINION OF AMERICAN ATTORNEY RESIDING THERE STOP LILLI SHOULD CONTACT CONSUL AND ANY OTHER PERSON ON CASE TO SECURE FAVORABLE REPORT STOP MY ADDRESS HOTEL WILLARD WASHINGTON

PARIS 53
7 25 17 XI
1938
5e R. POUSSIN

30.11.38

Rahn
Adolf Hitlerstr.26

RP NLT Rahn c/o General Cigar Compagny 119 West 40th Street
Newyork

Specific information about similar cases not available stop
Decision depends only on official lawyers conception

Fürth i.B.

Telegramm

Amerik. Consulat, Berlin, Bellevuestraße

Sie erhielten ein Telegramm des Staats
departements in Washington vom
17. Nov. 09 38, betreff Alfred Rahn, Fürth.
Bitte um umgehende Weiterleitung
dieses Telegrammes nach Stuttgart, da Consul
L'Hereux diese Angelegenheit bearbeitet
und das Telegramm erwartet. Lilli Rahn.

LÜTZOWUFER 17
BERLIN W 35

TELEPHONE:
21 12 28

LAW OFFICES
OF
FREDERICK WIRTH, JR.
OF THE
NEW YORK BAR

CABLE ADDRESS:
"TRUSTOFFICE BERLIN"

LONDON:
728 GREAT WINCHESTER STREET,
E.C.2

December 12,1938.

Dr.Phil.Lilli Rahn,
Adolf Hitlerstrasse 26,
Fürth i/B.

My dear Mrs.Rahn:-

I duly received your letter of the 11th instant,enclosing the original telegram which you have received from Washington.

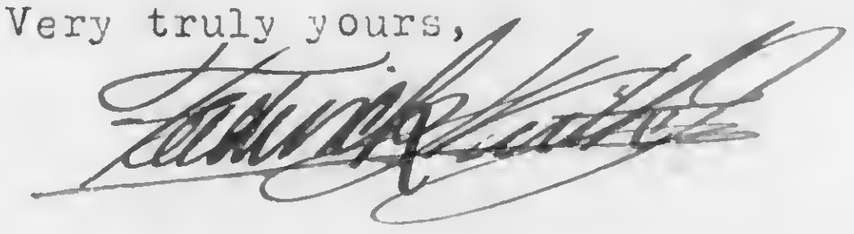
Mr. Friedrich Landmann also telephoned to me this morning on your behalf and I explained to him over the telephone that in order to convince the American authorities that the charges against Mr.Alfred Rahn did not involve "moral turpitude",it would be best for him to see one of our Washington correspondents who is in a position to take the matter up with the immigration authorities. I gave him the name of Mr.Abbot P.Mills whose address is American Security Building,Washington,D.C.

My own reasons for coming to the conclusion that the charges do not involve moral turpitude may be summed up in the statement that the figures given by Mr.Rahn with respect to his Devisen matter and which were also involved in the matter of the Affidavit executed by him in connection with such matters,were correct in substance if not in form. In other words, he gave the exact total figures of his capital and it was only a question of perhaps a mistake as to just how he set up the figures under the various items. A mistake of that kind cannot be said to involve moral turpitude as there was no intention when disclosing all he had by way of capital to conceal assets of any kind connected with the business in which he was interested.

If you feel that it would help matters to send a telegram giving the reasons for my opinion to Mr.Mills,please do so or have Mr. Landmann do it for you.

For my services in this matter,I request you to let me have the sum of Mk.60.--.

Very truly yours,



Enclosure (telegram).

Furth i.B. 12.12.38

To Mr.Wirth, Attorney, Berlin W.35

Esteemed Mr. Attorney,

Mr. Landsmann informed me about the telephone converstion he has had with you and I have informed my brother-in-law accordingly. Since I also gave him you address it is possible that he will get in touch with you directly. Should you receive any news from my brother-in-law, Mr. Max Rahn. c/o HotelWillard, Washsington or any other news in our case I ask you to inform me of it.

Most respectfully

Fürth i.B., 12.12.38.

Herrn Frederic Wirth
Rechtsanwalt
Lützowufer 17
Berlin W 35

Sehr geehrter Herr Rechtsanwalt,

Herr Landmann unterrichtete mich ~~nick~~ über das mit Ihnen geführte Telefongespräch und ich habe meinen Schwager entsprechend informiert. Da ich ihm auch Ihre Adresse aufgab ist es möglich, dass er sich an Sie direkt wenden wird. Sollten Sie irgendwelche Nachrichten von meinem Schwager, Herrn Max Rahn, z.Zt. Hotel Willard, Washington, erhalten oder Ihnen irgend eine andere Nachricht, unsere Sache betreffend zugehen, so bitte ich Sie mich davon zu informieren.

Hochachtungsvollst!

Fuerth, 11.12.1938

To Mr. Frederic Wirth, Berlin W35, Luetzowufer 17

Esteemed Mr. Attorney ,

Following your advice, I sent a telegram to my brother-in-law, Max Rahn in Washington last Friday, 9th this month which reads as follows"

"Private opinion of American legal advisor to Consulate very favorable stop decision according to experience 14 days after cable exchange Washington-Berlin stop recommend to you today inquiry with State Department."

Today I received from my brother-in-law the enclosed telegram. s you can see from it it seems to be very important for my brother-in-law to learn the legal reasons on which you base your opinion. Since it is very difficult for me to come to Berlin tomorrow in order to consult with you again, and since by good luck a close friend of our family, who knows the case happen s to be in Berlin , I am asking you to receive Friedrich Landmann, who will call your office tomorrow morning , if possible in the AM, to give him the necessary information, so that he can instruct my brother-in-law immediately by cable.

Although I know how busy you are I m asking you in view of the urgency of this matter to make it possible at all cost to see Mr.Landmann tomorrow morning.

I thank you for your troubles and sign,

with exceptional esteem

incl. 1 telegram

Text of telegram: "Cable legal reasons for favorable opinion Berlin consular lawyer."

in hand, which I can receive any day. But until Alfred's affair with the consulate here has not been settled clearly I do not budge from here. If I were to apply for a visa together with the child from here, the above mentioned difficulties would, of course, not arise.

The Consul told me again that the entrance permit could only be given from Washington. He cannot give it because the officials there could still make difficulties. He also said that it needs an judgment from an official lawyer , that it would have to be forwarded to him. Private opinions are useless. Because I thought to have an American lawyer in Berlin write an opinion , but I can understand that that carries no weight for an authority. As I wrote you already,the people at the Joint are definitely of the opinion that G.B.M. is the right man for an intervention . Furthermore, turn to Dr. Mosbacher, my former physician -- Mother knows him well. He is in N.Y. of late. I do not have his address, but Ellen or Dr. Sahlmann , whose colleague he is, problby know it or can find it out. He has a relative in Washington and works in the Ministry of Justice and Dr. S. promised me to do all he can.

Heinze's parents got their visa today in Stuttgart and sail on the 16th with the Manhattan. I have already said good-bye to them.

I am asking you gain to keep me informed under any circumstances, because you can imagine that it worries me no end not to hear anything from you and how our affair is progressing. I also have no idea where you are, still in N.Y. or back in P.R. and where I should write or telegraph. Since I am really in constant touch with the Consul it is best to send all correspondence and documents which don't go directly from one authority to him to me. , because I take them personally to him . That does not only save weeks in time but is better in all respects. Or, better yet, send one copy to him and one to me simultaneously. In any case, keep me constantly informed about everything.It would also be a good idea to inform one of your friends, Richard in N.Y. or a lawyer or anyone you consider suitable and instruct him carefully before you return to P.R. so that there is somebody who knows the score. and put people who might come to N.Y. into the picture.

I hope you have mean while talked with my cousin from Genf. No doubt he can do a lot and is suited to intervene in this matter. But he will have to know what you have already done. Thus I hope that you were still there when he arrived. He left Saturday on the Queen Mary.

Please forgive my somewhat dictatorial tone. But you understand that it is a question of our existence, our future. Mny Many thanks for everything

17 28. November 38

Dear Max, I have just returned from Stuttgart, where I visited the consulate again. From there I sent to the address of your firm in New York the following telegram:

"Cabel Washington never arrived in Stuttgart stop Consul only needs official statement from Washington authorities or lawyer that no moral turpitude is included.Consul is sure you can get this. More such cases have already been positively arranged. Case is urgent do whatever you can"

I am worried because I have not had any letter from you since the last, unnumbered one of the 11th in which you mention the bad crossing to N.Y, with the exception of letter from Mother of 14th this month, in which she report lengthily about the visits she made with you, but which contained nothing else. Simply the two cables to Walter I have received. As I have cabled you already many times, the telegram from Washington never arrived in Stuttgart and could also not be found in Berlin. The whole matter has therefore disappeared from sight. I was at the consulate in Berlin and twice in Stuttgart and had a one hour talk with Consul L'Heureux today, who is always very friendly but definitely has to have the directive from Washington , that they are of the opinion that there is no :"moral turpitude"

I personally cabled you on the 12th from Fuerth, on the 18th from Stuttgart and from Nuremberg (the latter telegram pre-paid response), on the 25fth from Fuerth and today from Stuttgart. I also wrote you from here on the 18th nd 22nd. You will understand that it upsets me not to have any news from you, inasmuch as it is question of the utmost importance for all of us. I have no idea what you have achieved in Washington and if I can still hope that the matter is going in the right direction. You know what depends on it for all of us. I MUST be able to show the immigration permit for Alfred, as soon as possible , because the yet outstanding formalities will take another few months. If the matter with Washington does not pan out I have no idea where else in the world we can go, and Alfred needs an immigration permit for another country by March.

I talked with L'Heureux today the possible earlier immigration and emigration of the child. That is not so easy. If the child is to go with Mrs. Lorz for the time being by herself, her grandmother and you would have to send declaration to this effect via Washington to the consulate here, that you re willing under all circumstances to take care of the child. Furthermore the grandmother has to request the child specifically We shall also need new affidavit under any circumstances. Should the child and Mrs. L. precede us, so meanwhile new one for these two. Thus, it is not entirely uncomplicated. But it would be possible to send these two ahead for the time being. However, if this were to take longer because of the chain of command that needs to be followed, it would not make any sense. If I could receive the certainty that Alfred can immigrate there in March I would not set all this apparatus in motion, that is I would emigrate too right away, ,at least go to Walter for the time being and wait until Alfred joins us, but already with visa

29 novembre I938

95.10

MAX RAHN

Hôtel Villard

WASHINGTON

HIAS JEWISH PALESTINE ORGANISATION

WALTER

expéditeur : Mr W.BIERER, I08, Bd Excelmans, Paris

No.18. 30.November 1938

Meine Liebeh,

Anbei Auszug aus Alfreds letztem gestern eingetroffenen Brief. Seine Zuversicht und die Klarheit seines Denkens sind wirklich bewunderungswürdig. Er hat natürlich in allem vollkommen recht und ich weiss wirklich nicht, was ich ihm bei meinem nächsten Besuche sagen soll, denn alle Argumente, die ich gegen seine Ansicht vorbringe, sind nicht stichhaltig, mit Ausnahme des einen, das ich ihm nicht sagen kann, nämlich der bestehenden Schwierigkeit wegen des Einwaderungsvisums für drüben. Ich hoffe sehnlichst, dass es Euch doch gelingen wird diese Angelegenheit zum guten Ende zu bringen, weil sie eben zu jenen Dingen im Leben gehört, die einfach zup wege gebrwcht werden müssen. Wie könnte ich vor Alfred bestehen, wenn ich ihm am 5.III. 39 eröffnen müsste, dass all seine Hoffnungen zusammenbrechenmüssen und er nicht nun, wie er glaubt eine neue Zukunft für sich und uns alle aufbauern kann?

Was die Sache seobst betrifft, so verstehe ich nicht, warum es nun auf einmal so schwieirg geworden ist, derm im August handelte es sich doch zunächst nur um die technische Frage des Dienstweges zur dortigen Behörde. Nun aber scheinen prinzipielle Schwierihkeiten dazu gekommen zu sein? Ich kann ja von hier leider nichts tun und muss warten, was Ihb tut. Es tut mir sehr leid, dass wir Euch so unendlich viel Mühe machen, aber Ihr werdet wohl verstehen, dass wir unsere ganze Hoffnung nur noch auf Euch setzen können. Wenn es doch nicht gelingen sollte, in Bälde die Einwandeu ngserlaubnis zu erhalten, so bitte ich Euch mir zu schreiben, was ich Eurer Ansicht nach tun soll, denn ein ~~irgend~~ Einwnaderungsvisum dür irgend ein Land muss ich für Alfred bis zum 5.III., bezw. schon früher zur Vorlage beimden Behörden in Händen haben.

Meine Mutter war einige Tage hier, um die Auswanderung meiner Grossmutter zu betreiben. Grossmuter ist 72 Jahre alt, gelähmt. Sie geht nach Paris zu ih en Kindern und Enkeln. Aber da niemand derselben mehr hier ist, müssen wir das auch machen, das Grossmatter selbstverständlich nicht dazu imstande ist.

In Erwiderung Eures gestrigen Telegrammes aus Washington sandte ich Euch heute folgendes Kabel mit bezhalter Rückantwort:
"Specific information about similar cases not available stop - - Decision depends only on ~~xxxxx~~ Washingtons official lawyers conseption".
Meine Tante Carola hatte nämlich behauptet, der Generalkonsul Honaker habe ihr gesagt, dass ähnliche Fälle schonapositiv entschieden wirden seinen, als ich aber heute von ihr genaue Angaben verlangte, machte si einen Rückzieher, d.h. behauptete, er habe sich nur ganz allgemein ausgedrückt. Dabei hatte sie den Text des Telegrammes, das ich an Euch Ansandte gelesen und für gut befunden. Was ich von meiner Familie zu halten habe, weiss ich. Der zweite Satz des Telegrammes geht immer wieder zurück auf die Auskunft des Konsuls L'Heureux, der am Montag, als ich wieder bei ihm war, ganz verzweifelt zu seinem Sekretär sagte"Isn'T it a shame we cannot help this woman?" Er will, bezw. muss eine goldene Brücke gebaut bekommen und so Gott will, werdet Ihr imstande sein, sie ihm zu bauen.

Wie sehr ich Euch für all Eure Bemühungen danke, brauche ich Euch wohl nicht immer wieder zu versichern.

Mit den allerherzlichsteh Grüssen für Euch und Mutter,

Eure

#18 30. November 1938

My dears, enclosed an excerpt from Alfred's letter which arrived yesterday. His optimism and the clarity of his thinking are truly remarkable. He is of curse completely right and I really don't know what I should tell him t my next visit , because all the arguments which I can bring against his opinion are not valid, with the exception of the one I cannot tell him about, namely the existing difficulties for the immigration visa for overseas. I fervently hope that you will succeed in bringing this matter to a good end, because it belongs to those things which simply have to be accomplished. How could I appear before Alfred if I had to reveal to him on March 5, 39 that all his hopes have to be dashed and he cannot now, as he had hoped, build u a new life with us.

Concerning the matter itself, I cannot understand why it has suddenly become so difficult, because in August it was simply a question of finding the proper way through channels. Now basic difficulties seem to have arisen. Unfortunately I can do nothing from here and have to wait and see what you can do.. I m so sorry that we give you so much trouble, but you will understand that we can put our only hope only in you. If it still is impossible to receive the immigration permission soon, please write me what you think that I can still do. Because some immigration visa into some country has to be in my hands by March 5 or sooner to present to the officials.

My mother was here for a few days to work on the emigration of my grandmother. . She is 72, lame. She goes to Paris to her children and grandchildren. But since none of them is still here, we have to take care of that too, since grandmother is of course unable to do so.

In answer to your cable yesterday from Washington I sent you today the following cabel, return pre-paid:

"Specific in formation about similar cases not available, stop Decision depends only on Washington's official lawyers conception."

Because my aunt Carola maintains that General Consul Honaker had told her that similar cases had already been decided positively, but when I asked her today for details she retracted and said he was only speaking generally. Yet she had read the telegram which I had sent you and declared it good. What my opinion of my family is I know. The second sentence always returns to the information of Consul L'Heureux, who said , when I saw him again Monday, quite despondantly to his secretgary,"Isn't it a shame we cannot help this woman"? He wants to, or has to have a golden bridge built, and God willing you will be able to build it.

I need not tell you how much I thank you for all you efforts.

Best greetings to you and M other.

Dr. Walter Berlin
Fritz Josephthal
Rechtsanwälte
Nürnberg-A, Luitpoldstr. 7

26. Nov. 8.

Herrn

Frederick W i r t h,
amerikanischer Anwalt,

B e r l i n W.
Lützowufer 17.

Sehr geehrter Herr Kollege !

Ich nehme Bezug auf den Besuch der Frau Dr. Lilli R a h n, Fürth, Adolf Hitlerstrasse 26 auf Ihrem Büro am Montag, den 21. November 1938. Frau Dr. Rahn wolltw auf Empfehlung der amerikanischen Botschaft Ihren Rat in der Sache ihres Mannes Alfred Rahn in Anspruch nehmen. Alfred Rahn stand unmittelbar vor der Auswanderung nach U.S.A. , alle Formalitäten waren erfüllt, insbesondere für ihn und seine Familie bereits die Einwanderungsvisen erteilt, als er verhaftet und verurteilt wurde. Die Strafzeit läuft am 5. März 1939 ab. Es handelt sich nun um die Frage, ob die Verurteilung der Einwanderung nach U.S.A. im Wege steht. Von einer massgebenden Stelle in U.S. A. ist versichert worden, dass dies nicht der Fall sei.

Frau Dr. Rahn möchte wegen des praktisch einzuschlagenden Weges Ihre Meinung hören und bittet Sie ihr eine Zeit zur Besprechung zu bestimmen. Wenn irgendmöglich werde ich

- ich habe Alfred Rahn verteidigt - der Besprechung anwohnen. Zur Vorbereitung übermittle ich Ihnen anbei das Urteil.

Ihrer baldgefälligen Mitteilung darüber, welche Zeit Ihnen genehm ist, darf ich entgegensehen.

Mit colleg. Hochachtung !

Rechtsanwalt.

Dr. Walter Berlin, Fritz Josephsthal, Lawyers, Nuremberg. 26.Nov. 38
To Mr. FrederickWirth, American Attorney, Berlin, Luetzowufer 17

Esteemed colleague, I refer to the visit of Frau Dr. Lilli Rahn, Fuerth,Adolf Hitlerstr. 26 to your office on Mondy, 21. November 1938. FrauDr. Rahn , upon reccommendation by the American Embassy, would like to seek your advice in matters concerning her husband, Alfred Rahn. Alfred Rahn was about to emigrate to the UnitedStates, all formalities had been fulfilled, especially the immigration for himself and his family, when he was arrested and convicted. His time will be completed on March 5, 1939. It is now a question if the conviction is an obstacle to his immigration to the USA. An authoritative source in the US assured that this is not the case.

Frau Dr. Rahn would like to hear your opinion regarding the practical steps that must be taken and asks you to set up an interview with her. If at all possible, I shall be present at this conference. (I had defended Alfred Rahn) In preparation I am enclosing the verdict.

I am looking forward to your earliest response regarding an conference date.

Most respectfully (actually: with greatest collegiate respect) !

The Willard Hotel, Washington, DC.4. December 1938.

My dear Walter, I should have written to you long time ago to keep you informed about my activities here. But the days go b y and still I have not obtained the desired positive decision .

It will be three weeks tomorrow since I've been in Washington. I found that the files after my departure from here in September have been put aside. On must not rely on anyone in spite of the many promises which had been given me some time ago. I intend to stay in Washington this time until I have received the, let's hope, favorable decision.

Shortly after my arrival I cabled you - Nov. 16 -- that the State Department would send a cable with some explanations o Stuttgart. The following day I corrected my information, since I found out, that the State Department had cabled to Berlin, not to Stuttgart. When I cabled you I did not know exactly what information the State Department was looking for, but thought it would be good to confer with the consule before the answer was written to Washington. The State Department was looking for the paragraph of the German Criminal Law book according to which Alfred had been convicted. The answer from Berlin did not harm Alfred, but it was not good enough to bring bout an immediate favorable decision.

Alfred's case and the American laws are rather complicated,; I shall simply explain to you that perjury ipso facto as "moral turpitude" considered is, whereas "false statements under oath" is in certain cases a violation that is considered "moral turpitude", and in other cases not. The American Law says -- and the State Department must, of course, by that -- that the consul, or, in our case the State Department can only consider the conviction and the paragraph of the foreign law, the State Department must not consider the reasons etc. How often have I heard the sentence:"We are not allowed to go behind the judgment of the German court."

When a department cannot come to a decision about legal point, it is obligated to submit such a matter to the Department of Justice. That has now happened with Alfred's case. The State Department has declared: this case is too complicated for us; here are the arguments pro and con, Mr. Justice, please, you decide.

The documents have finally been sent last Friday from the Department of State to the Department of Justice. I have hired a lawyer here who has worked many years for theDepartment of Justice. and has many connection s there and is much esteemed. Furthermore the Solicitor of Labor (chief of the legal department in the Department of Labor) will ask the Department of Justice to ask for his opinion in the case. That is very good for our case, the Solicitor of Labor will send a favorable report.

I believe it will take at least another two weeks before we receive the decision. We are hoping for the best.

After receiving your cable of Nov. 28. I immediately explained the case to Mr. Isidore Hershfield. The man was very nice but could suggest absolutely nothing to help our

case.

Friday morning I talked with Mr.Goldman on the phone and his first advice was to get in touch with Hershfield. I told him I had done that already, and Mr.Goldman also had no further suggestions. He offered to talk with Rabbi St.Wise, who is supposed to have very good political connections, but I have declined this help for the time being.

I have received your letter of 24.Nov., many thanks for all your efforts. By the same mail I also had a letter from Ernst Metzger which is not quite clear to me.. Since I do not know his travel plans I m writing to you and ask you to discuss my letter with him. He writes:"When I left Lilli was of the opinion to remain in Germany until the situation with Alfred is completely resolved, but she has seriously considered if she shouldn't send Mrs.Lorz and the child. She considers it for absolutely necessary that you come to Germany in the Spring in order to get Alfred out because she would no longer be in the country and somebody would have to be by Alfred's side. She further...etc etc.....

I think Ruth Marion should be sent to me. Whatever Lilli may decide for herself, there is no sense in leaving the child in Germany, and in my opinion she should send her out with Mrs. Lorz.

I am not clear how I could help Alfred if I came to Germany in the Spring. I have been away from Germany for so many years, I wouldn't know where to begin. I don't think that my American citizenship would be of any help, especially now when the relations between Germany and the US re not very good.

Further I must not forget that I am not independent; I have decent salary which we will need very much when Alfred and Lilli are here. Spring is our best season, and even if my boss would understand the reasons for my trip and would have no objections, the time might come when they might remember it unfavorably.

I would like to ask you to discuss with your father, Ernst Metzger and possibly also with Lilli what I have written in the two paragraphs above. It is difficult for me to judge from here how I could help Alfred. In spite of my reasons here not to go to Germany I would, of course be willing to change my thinking any time if you write and explain to me in detail how I can help Alfred.

Concerning Lilli, it is also very difficult for me to give advice. I think she should get out of Germany. Of course she has to make that decision, andErnst Metzger's letter is not clear to me on that point. Please write me about that.

No more for today. My best wishes to all, yours, Max.

My wife sends her regards.

ihr Onkel m.

THE WILLARD HOTEL
WASHINGTON, D.C.

4. Dezember 1938.

Mein lieber Walter:-

Ich haette Dir schon laengst schreiben sollen, um Dich ueber meine Massnahmen hier auf dem Laufenden zu halten. Aber die Tage vergehen und ich habe immer noch nicht die gewuenschte, guenstige Entscheidung erlangt.

Morgen werden es drei Wochen sein, dass ich in Washington ankam. Ich fand, dass die Akten nach meiner Abreise von hier - Ende September - beiseite gelegt worden [illegible] waren. Man darf sich eben auf niemand verlassen, trotz der vielen Versprechungen, die mir seinerzeit gegeben wurden. Ich habe die Absicht, diesmal hier in Washington zu bleiben, bis ich die hoffentlich guenstige Entscheidung erhalte.

Kurz nach meiner Ankunft - am 16. November - kabelte ich Dir, dass das State Dept. fuer einige Erklaerungen nach Stuttgart kabeln wuerde. Am darauffolgenden Tag korrigierte ich mein-e Information, da ich ausfand, dass das State Dept. nicht nach Stuttgart, sondern nach Berlin kabelte. Als ich Dir kabelte, wusste ich nicht genau, welche Auskunft das State Dept. suchte, dachte aber, es waere vielleicht gut, mit dem Konsul Ruecksprache zu nehmen, bevor die Antowrt nach Washington ausgeschrieben wurde. Das State Dept. suchte Information ueber den Paragraphen des deutschen Strafgesetzbuches, unter dem Alfred verurteilt worden [illegible] war. Die Antwort von Berlin schadete Alfred nicht, aber sie war auch nicht gut genug, um eine sofortige guenstige Entscheidung herbeizufuehren.

Alfreds Fall und die amerikanischen Gesetze sind ziemlich kompliziert; ich will Dir nur kurz erklaeren, dass Meineid ipso facto als "moral turpitude" betrachtet wird, waehrend falsche eidesstattliche Erklaerung in gewissen Faellen ein Vergehen ist, das als "moral turpitude" angesehen wird und in anderen Faellen nicht. Die amerikanische Gesetzgebung - und das State Dept. muss sich natuerlich danach richten - sagt, dass der Konsul oder in unserem Falle, das State Dept. nur die Verurteilung und den Paragraphen des auslaendischen Gesetzbuches beruecksichtigen darf, das State Dept. darf nicht die Gruende etc. in Erwaegung ziehen. Wie oft habe ich hier nicht den Satz gehoert: We are not allowed to go behind the judgment of the german court.

Wenn ein Department hier ueber einen gesetzlichen Punkt zu keiner Entscheidung kommen kann, dann ist das Buereau verpflich-

THE WILLARD HOTEL
WASHINGTON, D.C.

tet, solch eine Angelegenheit dem Department of Justice vorzulegen. Das ist nun mit Alfreds Fall geschehen. Das State Dept. hat erklaert: Der Fall ist zu kompliziert fuer uns; dies hier sind die Argumente pro and con, Herr Rechtsminister, bitte entscheiden Sie.

Die Papiere sind endlich vorigen Freitag vom Department of State ans Department of Justice geschickt worden. Ich habe hier einen Rechtsanwalt engagiert, der fuer viele Jahre im Dept. of Justice gearbeitet hat und dort sehr gut eingefuehrt ist und sehr geschaetzt ist. Ausserdem wird der Solicitor of Labor (Chef der Rechtsabteilung im Dept. of Labor) das Dept. of Justice ersuchen, seine Meinung ueber den Fall zu verlangen. [redacted] Das ist sehr gut [redacted] fuer unseren Fall, der Solicitor of Labor wird einen guenstigen Report senden.

Ich glaube, es wird mindestens noch zwei Wochen dauern, bis wir die Entscheidung erhalten. Wir hoffen aufs beste.

Nach Erhalt Deines Kabels vom 28. Nov. erklaerte ich den Fall sofort Mr. Isidore Hershfield, der Mann war sehr nett, konnte aber absolut nichts vorschlagen, um uns zu helfen.

Freitag morgen sprach ich Mr. Goldmann am Telephone und sein erster Rat war, mich mit Hershfield in Verbindung zu setzen. Ich erklaerte, dass haette ich schon getan, und Mr. Goldmann konnte auch nichts weiter vorschlagen. Er bot mir an, mit Rabbiner St. Wise zu sprechen, der sehr gute politische Verbindungen haette; ich habe diese Hilfe aber fuer den Augenblick abgelehnt.

Ich habe Deinen Brief vom 24. Nov. erhalten , habe vielen Dank fuer all Deine Bemuehungen. Mir der gleichen Post erhielt ich auch einen Brief von Ernst Metzger, der mir nicht ganz klar ist. Da ich nichts ueber Ernst Metzger's Reiseplaene weiss, schreibe ich Dir und ich bitte Dich, meinen Brief mit ihm zu besprechen.

Er schreibt:

"Lilli war bei meiner Abreise eigentlich der Ansicht, so lange in Deutschland zu bleiben, bis die Angelegenheiten von Alfred ganz geregelt sind, dagegen hat sie sich eigentlich sehr ueberlegt, ob sie nicht einstweilen Frau Lorz und das Kind schicken soll. Sie haelt fuer unbedingt notwendig, dass Sie im Fruehjahr nach Deutschland kommen, um Alfred herauszuholen, weil sie dann ja nicht mehr im Lande waere und doch jemand Alfred sofort zur Seite stehen muss.
Ausserdem haelt sie etc. etc. ....."

THE WILLARD HOTEL
WASHINGTON, D. C.

Ich bin der Meinung, dass Ruth Marion zu mir geschickt werden soll. Was auch Lilli fuer sich selbst entscheiden mag, es hat doch keinen Sinn, das Kind in Deutschland zu lassen, und nach meiner Ansicht soll sie es mit Frau Lorz herausschicken.

Ich bin mir nicht klar, wie ich Alfred helfen koennte, wenn ich im Fruehjahr nach Deutschland kaeme. Ich bin schon so viele Jahre aus Deutschland raus, dass ich absolut nicht wuesste, wo anfangen. Ich glaube nicht, dass meine amerikanische Buergerschaft mir irgendwie behilflich sein wuerde, ganz besonders jetzt, wo die diplomatischen Beziehungen zwischen Deutschland und den U.S. nicht sehr gut sind.

Ausserdem darf ich nicht vergessen, dass ich nicht unabhaengig bin; ich habe einen anstaendigen Gehalt, den wir sehr noetig haben werden, wenn Alfred und Lilli hier sind. Im Fruehjahr ist unsere Hochsaison und wenn auch meine Chefs die Gruende meiner Reise verstehen wuerden und keine Einwendungen machen wuerden, es kann doch einmal die Zeit kommen, wo sie sich unliebsam daran erinnern wuerden.

Ich moechte Dich bitten, was ich in den obigen zwei Paragraphen geschrieben habe, mit Deinem Vater, Ernst Metzger und wenn moeglich auch mit Lilli zu besprechen. Es ist schwer fuer mich, von hier aus zu beurteilen, wie ich Alfred hilflich sein koennte. Trotz der Gruende, die ich Dir hier gebe, nicht nach Deutschland zu fahren, bin ich natuerlich jederzeit bereit, meine Meinung zu aendern, wenn Du mir schreibst und eingehend erklaerst, wie ich Alfred helfen kann.

Was Lilli anbetrifft, ist es fuer mich auch sehr schwer, Ratschlaege zu geben; ich denke, sie sollte auch aus Deutschland heraus. Natuerlich muss sie das selbst entscheiden und Ernst Metzgers Brief ist mir nicht klar ueber diesen Punkt. Bitte schreibe mir darueber.

Nichts mehr fuer heute. Meine besten Wuensche fuer alle

Dein

Max.

Meine Frau schickt viele Gruesse.

11.12.38.

Lieber Friedel,

Duwwürdest mir einen grossen Dienst erweisen, wenn Du statt meiner morgen früh zu Mr.Wirth gehen würdest. Seine Anschrift ersiehst Du aus beiliegender Kopie meines mit gleicher Post an ihn abgegangenen Schreibens. Ich habe ihn am verganegen Monatag genau instruiert und ist ihm der Fall in allen Details bekannt, ebenso wie alles, was bisher von mir und von Max unternommen wurde. Abschrift des Urteils hat er noch vörliegen.

Du musst nun folgendes aus ihm herausholen: Gesetzbücher und genaue Paragraphen auf welche sich seine Meinung stützt. Er hat in meiner Gegenwart verschiedenes nachgesehen, also seine günstige Meinung nicht einfach so aus dem Stegreif gesagt, sondern aufgrund der ihm vorliegenden juristischen Unterlageb. Am besten wäre es, wenn Du ihn veranlassen könntest, dass er selbst, unter seinem Namen, an Max kab'elt. Kosten dieses Telegrammes spielen keine Rolle, es soll unter allen Umständen so ausführlich sein, dass Max auch was damit anfangen kann. Er hat sofort erfasst dass die ganze Angelegenheit nur mit der Frage der "moral turpitude" steht oder fällt. D.h. ist solche eingeschlossen, so ist esunmöglich, ist sie nicht eingeschlossen, so bestehen keine Hindernisse für die Auswanderung. Das Telegramm müsste also etwa lauten: "Moral turpitude not involved because according to §§ .... und nun folgt Begründung. Auf jeden Fall englisch telegraphieren, damit Max das Telegramm im Original vorlegen kann. Besonderen Wert legte Wirth auf die Tatsache, dass wie auch eindeutig und unbestritten aus dem Urteil hervorgeht, die Endsumme von Alfreds Angaben stimmt, es sich lediglich um falsche Rubrizierung handelt. Mir scheint fast, als ob Max diese Seite nicht schafr genug betont hätte, obgleich ich ihn immer wieder darauf aufmerksam gemacht habe. Ausserdem liegt ja keinerlei Steuerhinterziehung ect. vor, auch wurde die fragliche Summer weder eingezogen noch beschlagnahmt, woraus auch hervorgeht, dass dem Fiskus kein Schaden erwachsen ist. Dies wäre nochmals zu betonen.

Wenn Wirthm nicht selbst telegraphiert, so musst Du es eben machen aufgrund der Dinge von m. gesagten.

Ich danke Dir vielmals für alle Deine Bemühungen und hoffe, dassde guten Erfolg haben werden.

Maxens Anschrift ist: Washington (ohne weitere Bezeichnung)
Willard Hotel.
Telegraphiere NLT, dann hat er auf jeden Fall Dienstag und wenn möglich mit 15.-- RP.

Herzlichst Deine

11.12.38

Dear Friedel, You would to me a great favor by going on my stead tomorrow to Dr. Wirth. You find his address in the enclosed copy of my letter to him by the same mail. Last Monday I gave him complete instructions and the case is known to him in all its details, as well as everything that has meanwhile been done by me and by Max. He still has a copy of the verdict.

You now will have to extract the following from him: LAW BOOKS AND EXACT PARAGRAPHS on which his opinion is based. In my presence he looked up several things, , thus his opinion is not grasped out of the blue but based on legal documents in front of him. It would be best if you could get him to cable directly to Max, under his name. Costs of this telegram are immaterial. It should in any event so detailed that Max can make use of it. He grasped immediately that the whole thing stands and falls with the question of "moral turpitude". That is, is it included, it is impossible, is it not included then there is no obstacle to emigration. Thus, the telegram should read something like this: Moral turpitude not involved because according to ¶"¶ ....and now follows reasoning. In any case, cable in English so that Max can present the original. Wirth puts special emphasis on the fact that , as is clearly and incontestibly evident from the judgment, the final sum given b y Alfred is correct., that it was simply a matter of entering it in the wrong column. It seems to me that Alfred had not emphasized this point strongly enough, although I kept reminding him. Furthermore, there is no question of tax evasion etc. , also the sum in question was neither withdrawn nor seized, which shows that there was no financial damage. This must be emphasized again.

If Wirth does not cable himself, you simply have to do it based on what Wirth had I thank you so much for all your efforts and hope that you will be successful.

Max's ddress is: Washington, Willard Hotel. Telegraph NLT, he will have it in any case Tuesday, and if possible with 15.--R.P Warmly, your

Nr.17 28.November 38

Lieber Max,

Ich kam soeben von Stuttgart zurück, wo ich wiederum auf dem Konsukat vorgesprochen habe. Ich sandte Dir von dort an die Adresse der Firma nach New York ein Telegramm folgenden Inhalts:
" Cabel Washington never arrived Stuttgart stop Consul only needs official statement from Washington authorities or lawyer that no moral turpitude is included. Consul is sure you can get this. More such cases have already beenpositively arranged. Case is urgent do whatever you can."

Ich bin in Sorge, weil ich von Euch seit Deinem letzten unnummerierten Brief vom 11.ds., in welchem Du über die schlechte Ueberfahrt nach N.Y. schreibst, keinerlei Brief mehr erhalten habe, mit Ausnahme eines Briefes von Mutter vom 14.ds. in welchem sie sehr ausführlich über die Einladungen, welche sie mir Euch besuchte, berichtete, der aber sonst nichts erhielt. Lediglich die beiden Telegramme an Walter habe erhalten. Wie ich Dir schon mehrfach telegraphierte ist das Telegramm von Washington nie in Stuttgart angekommen und war auch in Berlin nicht auffindbar. Die ganze Sache ist also im Sande verlaufen. Ich war in Berlin auf dem Konsulat und zweimal in Stuttgart und habe auch heute wieder ca. eine Stunde mit dem Konsul L'Heureux gesprochen, der immer sehr freundlich ist, aber unbedingt die Weisung von Washington haben muss, dass Washington der Ansicht ist, dass keine "moral turpitude" vorliegt.

Ich selbst telegraphierte Euch am 12.ds. von Fürth, am 18.ds. von Stuttgart und von Nürnberg (letzteres Telegramm mit bezahlter Rückantwort) , am 25.ds. von Fürth und heute von Stuttgart. Ausserdem schrieb ich Dir am 18. und 22.ds. von hier. Du wirst begreifen, dass es mich aufregt, von Euch keinerlei Nachricht zu erhalten, insbesondere wo es hier doch um eine Frage geht, die für uns alle von allergrösster Wichtigkeit ist. Ich habe ja keine Ahnung, was Du in Wash. erreicht hast und ob ich überhaupt noch hoffen kann, dass die Sache in ein richtiges Fahrwasser kommt. Was für uns alle davon abhängt, weisst Du. Ich <u>muss</u> für Alfred unbedingt die Einwanderungsgenehmigung nachweisen und zwar baldmöglichst, da die dann noch zu erledigenden Formalitäten noch mehrere Monate in Anspruch nehmen werden. Wenn die Sache mit Washington nicht klappt, weiss ich nicht,,wo in der Welt wir hinkönnten und bis zum März muss Alfred eine Einreisegenehmigung für ein anderes Land haben.

Ich besprach mit L'Heureux heute ausführlich die ev. frühere Ein- und Auswanderung des Kindes . Das ist nicht ganz einfach. Wenn das Kind einstweilen mit Frau Lorz allein nach drüben einwandern soll, so muss seine Grossmutter und Du eine entsprechende Erklärung via Washington an das hiesige Konsulat leiten, dass Ihr unter allen Umständen gewillt seid für die beiden zu soregen. Des weiteren muss die Grossmutter das Kind eigens anfordern. Auch ein neues Affidav t werden wir auf alle Fälle brauchen. Solt das Kind und Frau L. vorausgehen so zunächst ein neues für diese Beiden. Es ist also nicht ganz unkompliziert. Aber es wäre zu machen die Beiden einstweilen voraus zu schicken. Allerdings, wen dies infolge des zu beschreitenden Instanzrnweges länger dauern würde, so hätte es fast keinen Sinn. Wenn ich endlich die Gewiss-

heit erhielte, dass Alfred im März dort einwandern kann, so würde ich diesen ganzen Apparat nicht aufziehen, d.h. dann würde ich ev. doch gleich mit auswandern, wenigstens einstweilen nach zu Walter gehen und dort abwarten bis Alfred nachkommt, aber bereits mit dem Visum in der Tasche, das ich ja jeden Tgg haben kann. Aber solange Alfreds Sache mir dem Konsulat nicht einwandfrei erledigt ist, gehe ich hier nicht fort Wenn ich zusammen mit dem Kind das Visum beantragen würde, würden die schwierigen Formalitäten, von welchen ich oben sprach, natürlich wegfallen.

Der Konsul sagte mir wiederum, dass es nur von Washington aus für Alfred die Einreiseerlaubnis erteilt werden könne. Er kann sie nicht geben, weil diese Behörde dann doch noch Schwierigkeiten machen könnte. Er meinte weiter, dass man in Wash. das Gutachten einen official lawyers haben müsste, bezw. ihm ein solches zuleiten müsste. Private Gutachten ect. seien unnütz. Ich dachte nämlich daran hier ein Gutachten eines amerik. Anwaltes in Berlin machen zu lassen, aber ich verstehe wohl, dass das für die Bejörden keinerlei Verbindlichkeit hat. Wie ich Dir schon schrieb, sind die Leute vom Jpint unbedingt der Meinung, dass G.B.M. der richtige Mann für eine Intervention sei. Des weiteren wende Dich an Dr.Mosbacher - meinen früheren Arzt - Mutter kennt ihn gut. Er ist seit kurzem in N.Y. ich habe seine Adreese nicht, doch werden Richard oder Ellen oder Dr.Sahlmann, dessen Kollege er ja ist, sie sicher haben oder erfahren können. Er hat einen Verwandten in Washington, der im Justizminitserieum ist und Dr.M. versprach mir alles für uns zu tun, was in seinem Kräften steht.

Heinzens Eltern erhielten heute ihr Visum in Stuttgart und fahren am 16. mit der Manhattan. Ich-habe mich bereits von ihnen verabschiedet.

Ich bitte Euch nochmals mir unter allen Umständen öfters Nachricht zukommen zu lassen, denn Ihr könnt Euch vorstellen, dass es mich ausserordentlich beunruhigt von Euch und vom Stnad unserer Angelegenheiten nichts zu hören. Ich habe ja auch keine Ahnung wo Ihr seid, ob noch in N.Y. oder schon wieder in P.R. und wohin hinschreiben bezw. telegraphieren soll. Da ich mit dem Konsul in St. wirklich in bester Fühlung bin ist es zweckmässig alle wichtigen Dokumente, die nicht direkt von einer Behörde an ihn gehen durch mich geheh zu lassen, da ich sie dann sofort selbst dorthin bringe, was nicht nur Wochen an Zeit ersprt, sondern auch in jeder Hinsicht richtiger ist. Oder noch besser sendet von solchen Dokumenten möglichst gleichzeitig eines an mich und eines nach dort. Auf jeden Fall informiert mich sofort immer von allem. Es wäre auch gut einen Eurer Freunde, Richard oder einen Anwalt oder wen Ihr für geeignet haltet, [illegible] in N.Y. genau zu instruieren ehe Ihr nach P.R. zurückgeht, damit jemand da ist, der genau Bescheid weiss, wie der augenblickliche Stand der Dinge ist und auch ev. nach N.Y. Kommenden genaue Auskunft geben kann. Meinen Vetter aus Genf werdet Ihr hoffe ich inzwischen gesprochen haben . Er kann zweifellos viel tun und ist sehr geeignet in dieser Sache zu intervenieren. Aber er muss natürlich wissen, was Ihr schon getan habt. Ich hoffe also, dass Ihr noch da wart, als er ankam. Er fuhr Samstag ab Cherbourg mit Queen Mary.

Verzeiht meinen etwas diktatorischen Ton. Aber Ihr werdet verstehen, dass es hier um unsere Existenzen geht und um unsere Zukunft. Vielen Dank für Alles und lasst von

Fürth i.B., den 11.12.1938
Adolf Hitlerstr.26

Mr.Frederic Wirth
B e r l i n W35
Lützowufer 17

Sehr geehrter Herr Rechtsanwalt,

Ihrem Rate folgend habe ich am vergangenen Freitag, 9.ds. an meinem Schwager, Herrn Max Rahn in Washington ein Telegramm folgenden Inhaltes gesandt:

" Privatmeinung Berliner amerikanischen Konsulatsanwaltes sehr günstig stop Entscheidung erfahrungsgemäss 14 Tage nach Kabelwechsel Washington-Berlin zu erwarten stop empfiehlt dir heute Staatsdepartement rückzufragen."

Ich erhielt als Antwort heute von meinem Schwager inliegendes Telegramm. Wie Sie daraus entnehmen könne, scheint es für meinen Schwager wichtig zu sein, die gesetzlichen Begründungen zu erfahren, auf welche sich Ihre Meinung stützt. Da es mir selbst nur sehr schwer möglich ist, morgen in Berlin zu sein, um mit Ihnen selbst nochmals Rücksprache zu nehmen, sich jedoch zufälligerweise ein sehr guter Freund unserer Familie, der mit dem Fall aufs beste vertraut ist, sich in Berlin befindet, so bitte ich Sie, Herrn Friedrich L a n d m a n n, der sich morgen früh telefonisch mit Ihrem Büro in Verbindung setzen wird, wenn irgend möglich morgen Vormittag noch zu empfangen und ihm die entsprechenden Aufklärungen zu geben, damit er meinen Schwager sofort telegraphisch instruieren kann. Herr Sie

Obgleich ich weiss, wie sehr Ihre Zeit in Anspruch genommen ist, bitte ich Sie in Anbetracht der Dringlichkeit des Falles es auf jeden Fall zu ermöglichen, dass Herr Landmann Sie morgen Vormittag sprechen kann. Ich danke Ihnen bestens für Ihre Bemühungen und zeichne

mit vorzüglicher Hochachtung!

Anlage
1 Telegramm

Text des Telegrammes:
"Cable legal reasons for favorable opinion Berlin consular lawyer".

THE WILLARD HOTEL
WASHINGTON, D.C.

11/21

My dear Lilli!—

We have received your letter of Nov. 4th and I have also read your various letters addressed to Mother. As you know, I am here since last Tuesday, but as yet nothing has been decided. I am ashamed to say that nothing at all had been done on the case during the last 8 weeks (since I left here in September) despite the promises of a few persons to watch that the case was not shelved.

Of course, immediately upon my arrival, I started things going again and the Dept. found it needed enlightenment on some legal points and they cabled to Berlin for the information required, asking for a cable answer. Until today

this answer has not been received, but it should be here shortly. — I am now in contact with the lawyer who is handling the case personally and while he is most sympathetic, he must of course guide himself by the law. I feel confident that we shall secure a favorable decision and you may rest assured that I shall not leave Washington again until the decision is rendered.

While Beatrice knows that I have come to Washington on Alfred's behalf and on some business matters, I did not stress the importance of my visit.

Do you know that Howard Charles Kennedy was born last week?

My love to you all

Max

P.S. I wrote Lawler & Co. today.

My love to you Lilli. I am so happy to be here with Max! Our thoughts are continually with you. Maria

15. Fuerth, 18.11.38

Dear Max, because of your cable which reached Uncle Ernst yesterday, I was in Stuttgart today. But since they had nothing there, I could achieve nothing. Today I sent you two ca bles,one from Stuttgart and one from Nbg. after I had heard by phone about your second cable from Uncle Ernst. The content of the two telegrams was as folows"
Stuttgart: Cable State Department Stuttgart today not received. After its arrival, return for talks in Stuttgart. Consul will give visa only upon specific instruction Washington, or determination that there is no moral turpitude. Achieve words to that effect or at least direction from Consul to send all documents at once to Washington . Consult with Louis Kupfer of Kupfer Brothers, best friend of General Consul here. Cable directly to me in visa matters. Lilli"
Nueremberg:"Consul says that you must and can achieve that Washington gives positive determination based on official documents sent you by me , and that Stuttgart is advised accordingly."

The Consul was friendly as usual, although it gets harder and harder to get to see him with the incredible demand on him. But he explained to me again that he could not issue the visa unless the State Department declared specifically that there was no "moral turpitude". Since Mr. Reilly has expressed this opinion a long time ago, it should not be too difficult to have his official opinion sent to the State Department. This would be necessary.. The mention in your letter at the time about Reilly's opinion is not sufficient for the Consul, he must have an official document from Washington in his hands. Will you be able to obtain that? Everything depends on that . You can imagine that the whole matter worries me very much, besides everything else it concerns our future. But I trust that you will succeed. Please write and cable in visa-matters always to my address because that expedites things. I have not received single letter from Mother if she has received my mail which I sent to the New York address of Mrs. Sammoje. Did she not receive it? Please let me know soon.
s I found out by coincident from a friend here, one of the owners of Kupfer Brothers, to wit Lous Kupfer, is a very good friend of the Stuttgart General Consul, Honaker. My cousin Heinz knew that and has also taken advantage of it for his parents. He knew this already in May, when he was here. He also knew about my difficulties with the consulate. That he did not drop a single word bout this proves again his attitude. But also unfortunately that of his parents, whom I had considered hitherto as my good friends. If the knowledge of these facts, especially the friendship of Mr. H. with Honaker, could be of any use to you in our affairs (perhaps recommendation by K. to H.), please do everything in your power and have no consideration for Heinz. He does not deserve it.
On the same day that I learned that I had similar experience with my Uncle Ernst. Heemigrated He emigrated yesterday with wife and child to Paris. He revealed that to me

in the morning at 7:30, half an hour before departure of his plane, and recommended the care of my lame 75-year old grandmother warmly to me. I was rather put out. I am glad to do what I can for my grandmother, but I think I would have deserved enough trust that he could have discussed with me beforehand all necessary things. I have no power of attorney, I have no idea about her financial situation, nothing. I have demanded from him that he get a visa for France for her immediately so that she can go there to her children, since I have to refuse any responsibility. And this after Ernst has come to me for advice in all emigration matters for months, since I have unfortunately turned into an expert, but when I asked him once for advice, he refused. This, as well as many other things I am experiencing this year shall be lesson to me.

I hope and pray that I will never have to ask anyone from this dear family , who have shown themselves from this ugly side, for anything, and once we are over there I have not the least fear that we shall make our way.

Forgive me if I bother you with these details which are of no interest to you, but sometimes one has to open up and I really have no one here with whom I could really talk.

I sincerely hope that you will be successful in W. because that is the basis for all the rest. My warmest wishes for you and Maria and Mother , and especially thanks for all the trouble you take and which we hope to be able to make up to you some day.

50 Min.

Nr.15 Fürth, 18.11.38

Lieber Max,

Aufgrund Deines gestern bei Onjel Ernst eingelaufenen Kabels wär ich heute in Stuttgart. Da aber dort nichts vorlag konnte ich dort garnichts ausrichten. Ich sandte Dir heute zwei Telegramme, eines von Stuttgart und eines von Nbg., nachdem ich telefonisch druch Onkel Ernst von Deinem zweiten Telegramm Kenntnis erhalten habe. Der Wortlaut der beiden Telegramme war:

Stuttgart: "Kabel State Departement Stuttgart nicht eingetroffen. Wiedervorspreche Stuttgart nach dessen Eintreffen. Konsul erteilt Visum nur auf ausdrückliche Weisung Washingtons oder Feststellung dass keine moralische Minderwertigkeit vorliegt. Erwirket entsprechenden Wortlaut oder wenigstens Anweisung an Consul alle Unterlagen sofort Washington einzusenden. Wendet Euch an Louis Kupfer bei Kupfer Brothers bester Freund hiesigen Generalkonsuls. Drahtet in Visumangelegenheiten an mich direkt. Lilli."

Nürnberg: "Konsul sagt du musst und kannst erwirken dass Washington aufgrund der xxx Dir von mir gesandten amtlichen Dokumente positives Gutachten abgibt und Stuttgart angewiesen wird Visum zu erteilen. "

Der Konsul war freundlich wie stets, obigleih es bei dem unerhörten Andrang immer schwerer wird, vorzukommen. Aber er erklärte mir wiederum, dass er das Visum nicht geben könne, wenn nicht das State Departement ausdrücklich erkläre, dass keine "moral turpitude" vorliege. Das Herr Reilly aber schon vor langer Zeit diese Auffassung vertreten habe, kann es doch nicht allzu schwer sein, dass eine offizielle Bestätigung an das Konsulat gesandt wird. Dies wäre nötig. Die in Deinem seinerzeitigen Schreiben gemachte Bemerkung über Reillys Auffassung genügt dem Konsul nicht, er muss ein amtliches Dokument von Washington in Händen haben. Wird es Dir gelingen das zu beschaffen? Davon hängt alles ab. Du kannst Dir denken, dass mir die ganze Sache sehr viel Sorgen macht, neben allem andere n, denn das ist doch unsere Zukunft. Ich hoffe aber zuversichtlich, dass es Euch gelingen wird. - Bitte schreibe und drahte in Visum angelegenheiten stets an meine hiesige Adresse, da ihr dann alles viel schneller geht. Von Mutter habe ich noch keinen einzigen Brief bestätigt bekommen, den ich ihr nach New York an die Adresse der Mrs.Sammoje geschrieben habe. Hat sie keinen bekommen? Ich erbitte baldige Nachricht.

Wie ich per Zufall durch einen hiesigen Freund hörte, ist der eine Mitinhaber von Kupfer Brosl, nämlich Herr louis Kupfer ein sehr guter Freund des Stuttgarter Generalkonsuls Honaker. Mein Vetter Heinz wusste das und hat dies auch für seine Eltern ausgewertet. Er wusste dies auch schon im Mai , als er hier war. Ebenfalls wusste er von meinen Schwierigkeiten mit dem Konsulat. Dass er trotzdem kein Sterbenswörtchen darüber verlauten liess, beweist neuerlich seine Gesinnung. Aber leider auch die seiner Eltern die ich bisher immer für meine guten Freunde hielt. Wenn Du aus Kenntnis dieser Tatsachen, insbesondere der Bekanntschaft von Herrn H. mit Honaker irgendwelchen Nutzen für unsere Sache ziehen kannst, (ev. eine Empfhelung von K. an H. erwirken act.) so tue alles, was in Deiner Macht steht und nimm keinerlei Rücksicht auf Heinz. Er

verdient es nicht. Am gleichen Tag, als ich das erfuhr, habe ich auch mit meinem Onkel Ernst M. eine ähnliche Erfahrung gemacht, Derselbe ist mit Frau und Kind vorgestern nach Paris ausgewandert. Er eröffnete mir dies morgens um ½ 8 Uhr, ½ Stunde vor Abgang seines Flugzeuges und legte mir die Sorge für meine nun beinahne 75jährige Grossmutter, die gelähmt ist, wärmstens ans Herz. Ich war einigermassen empört. Ich tue für meine Grossmutter gern alles, was ich kann, aber ich gleuce so viel Vertrauen hätte ich verdient, dass er wenigstens vorher mit mir alles notwendige bespro chen hätte, ich habe keine Vollmacht, keine Ahnung von ihrem Vermögensstand, nichts. Ich habe von ihm verknagt, dass für Grossmut ter schnellstens ein Visum für Frankreich beschafft wird, damit si dorthin zu ihren Kindern kann, da ich jede Verantwortung ablehnen muss. Dabei hat Ernst sich monatelang von mir in allen Auswanderung fragen Rat geholt, da ich ja leider langsam zum Experten werde aber als ich ihn mal um Rat fragte, dankend abgelehnt. Es soll mir dies, wie so vieles, was ich in diesem Jahr erlebte, eine Lehre sein.

Ich hoffe und wünsche, dass ich niemals jemanden von der lieben Familie, die sich hier so wenig schön gezeigt hat, um irgend etwas werde bitten müssen und wenn wir erst mal drüben sind, so habe ich nicht die geringste Angst, dass wir auch weiterkommen werden.

Verzeih, dass ich Dich mit diesem für mich wirklich uninteressant Details behellige, aber manchmal muss man sich ausquasseln und ich habe ja wirklich keinen Menschen mehr, mit dem ich irgend ein Sterbenswörtchen reden könnte.

Ich hoffe sehnlichst, dass Du in W. Erfolg haben wirst, denn das ich ja die Basis für alles weitere. Meine allerherzlichsten Grüsse für Dich, Maria, und Mutter und Dir vor allem meinene herzlichsten Dank für die viele Mühe, die Du Dir machst und für die wir Uns, hoffentlich eines Tages werden erkentlich zeigen können.

Deine

NO. 26

October 17th, 1938

My dear Lilli:-

A few minutes ago, I received your letter of September 30th (No.9) and I am happy that you have received my news concerning my recent trip to Washington. As yet, I cannot give you any further news because I haven't heard anything more from the people there. But - as I have written you before - this is no reason for worry and anxiety because a decision may be rendered tomorrow or it may require a good many weeks yet. At any rate, I have been assured by competent people that I have done everything that can be done for the present. If I do not hear anything before I leave for my vacation in2 or 3 weeks, I shall of course go again to Washington and contact people in a position to push the matter along. I am quite certain that in the end I shall get a favorable decision.

In answer to the various questions of the first paragraph of yout letter No.9 I shall at the time give you all the details etc. that I have available. The problem of the immediate issuance of a visa after the decision on the principal question has been rendered, is already satisfactorily settled.

It is quite certain that I shall not sail before November 3rd.

My love to you all.

Max

PS. I am mailing this letter from the office; therefor Maria greetings are not added.

No. 3, 31,8.38.

Dear Max, thank you very much for your dear letter No. 19. of the 18th. In regard to the visa matter, much has changed here meanwhile. Unfortunately matters at this end, that is from the Stuttgart Consulate are not moving as smoothly as I had hoped after my visit there on the 8th of this month.

When I did not heare following my visit there on the 8th, about which I reported to in my letter of the 9th in detail, until the 22nd, I wrote to them on the 23rd and by return mail received enclosed letter, which I am sending you in the original. You can imagine that I was flabbergasted. I could not explain this matter at first but had the feeling immediately that from some third side some opposition must have arisen. I went to Stuttgart therefore to see the Consul again, who again received me in the most cordial manner and told me that he was already expecting my visit. The reason for his letter was the following: his legal advisor in the Consulate gave the opinion which was expressed in the letter. A presentation to Washington can only be made by his immediate superior, the General Consul., who usually does not concern himself with immigration question, for these L'Heureux is generally responsible. But based on the reasoning of the legal advisor the General Consul has refused the forwarding for the reason given in the letter. L'Heureux said to me:"I signed the letter with a bleeding heart and I thought of you all these days." He further assured me that he would be only too happy to get the possibility of granting us a visa. That is, he wants a golden bridge built from there. I now consulted with him in a friendly fashion what was to be done next. He said that since you are now an American citizen it should not be difficult to put the pertinent documents on the way to the proper authorities so that they could be submitted to Mr. Reilly "through the proper channel" so that he could make a corresponding decision. He thought you should make a petition to the responsible gentleman in the State Department, you have this right unquestionable. To what extend you want to refer to the letter by the Consul or not is up to you. Of course I must leave all the details of the tactics p to you. The direction now is that without the aid by way of the Stuttgart Consulate an official way has to be found in America in order to get the documents to the pertinent authorities in Washington, most of all to Mr.Reilly, so that these authorities can give the Consulate the appropriate directive, that it has to issue the visa. I hope that this way is possible, Mr. L'Heureux thinks it should be possible. It is true that it can probably not be avoided that you, dear Max, my have to appear in person in Washington. That, too, I must leave entirely to your judgment. But the matter is so important that any effort in time, money and energy is justified, and it is of utmost importance for Alfred to receive as soon as possible an official notification of the consulate here that he will receive a visa as soon as he shows up there. L'Heureux will give this notice immediately, of course, as soon as he has the word from Washington. He showed me an official cable from Washington which stated that people who had once received a visa which they

could not use for reasons beyond their control would have to be a new visa immediately as soon as the person applies again . This is exactly our case and there is no doubt that Alfred will receive a visa in time when he needs it. Thus he can receive it immediately if the critical questions have been clarified. Concerning the legal opinion by the Consulte L'heureux thought that one could, of course, also defend a different opinion from the one expressed in his letter. It is a matter of opinion if the lawyer in question puts more emphasis on the "violation of foreign exchange laws" or the one of ¶ 156. His lawyer was of the latter opinion, he himself rather favored the former, and that corresponds to the opinion of Reilly.

In any case I am sending you gain the documents in triplicate each . assuming that you will need them. I am very glad that you are over there and I have the certainty that you take care of everything in the best possible manner. If you were not there I would really be completely helpless. I thank you with all my heart for your efforts which you take on our behalf. I hope that some day I can make it up to you.

As soon as you have taken some measures and have some news, I ask you to notify me, since I m longing for the day when this matter is solved once and for all.

For now my most heartfelt greetings to both of you,

yours (Lilli)

Nr.3 31.8.38

Lieber Max,

Für Deinen 1.Brief Nr.19 vom 18.ds. besten Dank. Was die Visumangelegenheit betrifft, so hat sich in der Zwischenzeit hier einiges verändert. Leider geht es von hier, d.h. von seiten des Stuttgarter Konsulates, doch nicht so glatt , wie ich aufgrund meines Besuches am 8.ds. gehofft hatte.

Als ich nach meinem Besuch vom 8.ds., über welchen ich Dir ja in meinem Brief vom 9.ds. ausführlich berichtet habe, bis zum 22. nichts von Stuttgart hörte, habe ich am 23. nach dort geschrieben und postwendend beiliegenden Brief erhalten, welchen ich Dir im Original beilege. Du kannst Dir denken, dass ich sehr bestürzt war. Ich konnte mir die Sache zunächst nicht erklären, hatte aber sofort das Gefühl, dass hier vielleicht von dritter Seite irgend ein Widerspruch aufgetaucht sein musste. Ich fuhr daher nach Stuttgart und sprach am Montag wieder beim Konsul vor, der mich wiederum aufs allerfreundlichste empfing und mir dagte, dass er bereits auf meinen Besuch gewartet habe. Veranlassung zu seinem Brief war folgendes: Sein lawer im Konsulat hatte die in dem Brief zum Ausdruck gebrachte Meinung. Eine Eingabe nach Washington kann nur sein unmittlbarer Vorgesetzter, der Generalkonsul machen, der sich sonst mit den Einwanderungsfragen nicht beschäftigt, für diese ist im allgemeinen nur L'Heureux zuständig. Aufgrund der Begutachtung durch den Juristen hat der Generalkonsul aber die Weiterleitung nach Washington mit der im Brief angebenen Begründung verweigert. L'Heureux sagte mir:"I signed the letter with a bleeding heart and I thought of you all these days". Des weiteren versicherte er mir, that he would only be too happy to get the possibility of granting us the visa. D.h. er wille eine goldene Brücke von drüben aus gebaut haben. Ich beriet mich nun freundschaftlich mit ihm, was zu tun sei. Er sagte, dass nachdem Du amer.Staatsbürger seiest, es keine allzugrossen Schwierigkeiten machen müsste, die in Frage stehenden Akten in den Dienstweg einzuschalten, damit sie MR Mr. Reilly "through the proper channel" zugeleitet werden und er eine entsprechende Ents heidung fällen kann. Er meinte Du solltest direkt eine Eingabe an den zuständigen Herrn im State Dep. machen, dieses Recht stände Dir ohne weiteres zu. Wie weit Du dabei Dich auf den Brief des Consuls beziehen willst oder nicht, muss Dir überlassen bleiben. Alle Einzelheiten der Taktik muss ich natürlich völlig Dir überlassen. Die Richtlienie ist, dass nunmehr ohne Zuhilfenahme des Weges über das Stuttgarter Konsulat ein Dienstweg in Amerika gefunden werden muss , auf welchem die Akten den betr. zuständigen Referenten zugeleitet werden, vor allem Herrn Reilly, damit von der zuständigen Behörde in Washington eine entsprechende Anweisung an das Konsulat gegeben wird, dass dassebbe das Visum zu erteilen hat. Ich hoffe, dass dieser Weg gangbar ist, Mr.L'Heureux meinte es müsste sicher zu machen sein. allerdings wird es sich vielleicht nicht vermeiden lassen, Dass Du, l.Max, persönlich in Washington vorsprichst. Jedoch auch das muss ich natürlich ganz Eurem Ermessen überlassen. Aber die Angelegenheit ist so wichtig, dass sie sicher jeden Aufwand an Zeit, Geld und Energie rechtfertigt und es ist für Alfred von grösster Wichtigkeit, dass er sobald als möglich eine offizielle Bestätigung des Konsulates hier erhält, dass er, sobald er dort vorsprechen kann, ein Visum erhalten wird. Diese Bestätigung gibt L'Heureux natürlich sofort, sobald er eine entsprechende Anweisung von Wash.

erhalten hat. Er zeigte mir ausserdem ein Diensttelegramm vom Washington, in welchem das Konsulat angewiesen wird, solchen Personen, welche schon einmal ein Visum hatten, aber aus Gründen höherer Gewalt dasselbe nicht ausnützen konnten, sofort wieder ein neues Visum zu erteilen, sobald die betr. Person wieder um ein Visum nachsucht. Dies ist also genau unser Fall und behebt alle Zweifel, ob Alfred dann auch rechtzeitig, wenn er es braucht, das Visum erhalten wird. Er kann es also, wenn die prinzipielle Vorfrage endlich geklärt ist, ohne weiteres sofort erhalten. Was die juristische Beurteilung duch das Konsulat betrifft, so sagte L'Heureux könne man natürlich auch eine andere Meinung vertreten, als die welche in seinem Briefe ausgedrückt ist . Es ist Ansichtssache ob dier betr. Referent mehr die Verletzung des "foreign exchange law" oder die des § 156 in den Vordgrund stellt. Sein lawer war letzterer Ansicht, er würde mehr zu ersterer neigen und dies deckt sich ja auch mit Reillys Meinung.

Ich sende Dir auf jeden Fall nochmals die Unterlagen in je dreifacher Ausfertigung, da ich annehme, dass Du sie brauchen wirst. Ich bin sehr froh, dass Ihr beide drüben seid und ich die Gewissheit habe, dass Ihr alles so gut für uns erledigt, wie es nur möglich ist. Wenn Ihr nicht da wäret, wüsste ich mir wirklich keinen Rat. Ich danke Euch beiden von ganzem Herzen für alle Mühe, die Ihr Euch in unseren Angelegenheiten gebt und hoffe bestimmt, dass ich auch meinerseits mich eines Tages erkenntlich werde zeigen können.

Sobald Ihr die Sache in die Wege geleitet habt und irgendwelche Nachrichten habt, bitte ich Euch mich zu verständigen, da ich begreiflicherweise den Tag herbeisehne, wo diese Sache endgültig geregelt ist.

Für heute die herzlichsten Grüsse Euch beiden
von Eurer

IN REPLY REFER TO
FILE NO. 811.11 Kahn, Alfred
HJL/RS

DEPARTMENT OF STATE

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

AMERICAN CONSULATE,

Stuttgart, Germany, August 25, 1938.

Frau Dr. Lilli Kahn,
Adolf Hitler Strasse 26,
Fuerth, Bayern.

Madam:

Reference is made to your letter of August 23, 1938, and your visit to the Consulate of August 8, on which occasion you left certified copies of the original and translations of the judgment of the court in the matter of the conviction of your husband of violations of paragraphs 34 and 43 of the German foreign exchange law of February 4, 1935, and of paragraph 156 of the German criminal code.

You were informed at that time that, in the event there appeared to be any doubt regarding the effect of your husband's conviction upon the status of his admissibility to the United States under the excluding provisions of the American immigration laws, the case might be referred to the appropriate authorities at Washington for a ruling upon the points of law involved. If the conviction had pertained merely to a technical violation of the foreign exchange law and the offense had involved no false swearing, the Consulate would have been pleased to refer the case, for appropriate instruction, to the authorities in Washington.

A careful examination of the court's judgment, however, reveals that your husband was definitely convicted of a violation of paragraph 156 of the criminal code reading as follows:

> "Any person who gives evidence under oath before an appropriate authority and knowingly makes false statements, or who, with reference to such an oath, makes false statements, will be subject to a penalty of from one month to three years."

Section

Section 3 of the American Immigration Act of February 5, 1917, provides that an alien, who has been convicted of a crime or misdemeanor involving moral turpitude, shall be mandatorily excludable from the United States. The American courts have consistently held that perjury - false swearing under oath - involves moral turpitude within the meaning of the law, and consular officers have been so instructed by the appropriate authorities in Washington. Furthermore, the American courts have held that if the alien has been convicted of a crime such as indicated, and the conviction is established, it is not the duty of an administrative officer, such as a consular officer, to go behind the judgment in order to determine purpose, motive and knowledge, as indicative of moral character.

In view of the foregoing facts, it is clear that the offense of which your husband has been convicted definitely excludes him from the United States. Hence, it is useless for the Consulate to refer the matter to the authorities at Washington. It is also probable that the solicitor of the Department of Labor, who you stated had expressed a favorable opinion regarding the admissibility of your husband, was not aware of his conviction of false swearing. The copies of the judgment of the court are returned herewith.

Respectfully yours,
For the Consul General:

H. J. L'Heureux

H. J. L'Heureux,
American Consul.

Enclosures:
Copies of judgment of
court with translation.

8/23, 1938

xxxxxxxx
Adolf Hitlerstr.26

Mr.H.J. L'Heureux
American Consul
American Consulate
Königstrasse 19 A
Stuttgart

Dear Sir,

In connection with my visit at your officeon August 8 th, I am very sorry to have to bother you once more. I know that there are so many letters send to you and your office every day that it is nearly impossible to take in consideration all the different wishes, but as I explained you our case very exactly I sincerely hope you will find a few moments to forward as soon as possible the documents in question and the necessary informations to Washington and to send me a few lines as soon as the papers will be mailed.

According to the great importance this case has for my husband, me and my child I am sure you will understand that I anxiously wait for the definite answer from Washington because I am not able to undertake any further steps here unless this main question has not been decided in a favourable manner.

I am very thankful to you, dear Sir, for anything you have done and you will do concerning this case and remain

respectfully
Yours.

WAREHOUSE

General Cigar Co., INC.

NATIONAL BRANDS

CAGUAS

PUERTO RICO

August 18th, 1938

No. 19

Dear Lilli:

This will acknowledge receipt of your last two letters Nos. 1 and 2, of August 6th and August 9th, and I think it is a very good idea that you started numbering your letters again.

Thank you for the many pictures of Ruth Marion. Walter also sent us a couple and we are always happy to get them. We always show them to our friends very proudly and they always say: "Gee, it is a good thing the child does not look like her uncle".

Regarding your letter No. 2 I have forwarded the gist of it immediately to my friend in Washington and she will take the matter up with Reilly so that when the report of the Consul in Stuttgart reaches Washington the gentleman at the Department of State is properly cognizant of the facts of the case.

Gerard Reilly's favorable opinion of the case should help greatly because his office is the final authority on the matter.

As soon as I hear anything from Washington I shall let you know, but I think that you may rest assured that everything will be straightened out satisfactorily.

No more for to-day.

I shall soon write and have Maria write again at greater length.

Affectionately,

Mark

WAREHOUSE

General Cigar Co., INC.

NATIONAL BRANDS

CAGUAS

PUERTO RICO

August 15th, 1938

No 18

Dear Lilli:

I have just received your cable in which you advise me that the documents at Naples were sufficient for the issuance of the visa to Mother. Apparently the information I mailed to Mother and Alfred L. is not necessary because I doubt that either one had received already my letter giving them details of a conversation between a friend of ours in Washington and an employee of the State Department regarding Mother's case. Anyhow, I am glad this is settled and I hope that your case will present no further difficulties.

I received last Saturday your letter written on July 31st, in which you urge me again to push the matter of your visa. I hope sincerely that the Consul in Stuttgart has in the meantime written to Gerard Reilly, the Solicitor of Labor in the Department of Labor, requesting his official decision on the case. As I have explained previously, Mr. Reilly can not issue such a decision without the formal request received by him through the proper channels; in this case, the Consul in Stuttgart.

You ask me in this last letter of yours to write to the Consul in Stuttgart or have somebody do this, requesting to have this man give particular attention to the matter. I don't think this is necessary and I would rather prefer not to do it unless it is necessary. Therefore, I shall await your further news before I undertake any additional steps to push the matter of the visa along. I trust you agree with me that one should not ask his friends for favors unless their assistance is necessary and for the time being I think that the possibility of difficulties for your immigration into the United States has been smoothed out.

With my very best wishes for all of you,

Affectionately,

Max

2 9.8.38

Dear Max, I was in Stuttgart yesterday and on the basis of the information you sent me I had a long talk with Consul H.J. L'Heureux, who had already received me some time ago in March and who deals with our matter. He was extremely approachable and very friendly , told me he would do everything he could but could not give me any blind promises. So far his statements are identical with the ones he made in March. He further explained to me that the line of authority for him is not the Department of Labor but the Department of State. The final authority for immigration questions is of course the Department of Labor, but the consulates re under the Department of State and have to turn there first. He repeated that he would like to bring about decision from Washington in order to avoid any later difficulties once and for all. Gerard R. is therefore not directly involved. The course of the matter is now as follows: Mr. L. Heureux shall send the documents to Washington to the Secretary of State in the State Department. He said he himself would try to examine the matter to see if it is, as Gerard R. thought, from the American point of view meaningless. , and if he reaches that opinion he would transmit that accordingly. In any case he will do what he can. He is of the opinion that it would be best if Gerard R. could get in touch with the party in the State Department who is responsible for these matters, immediately , before the documents arrive, and to discuss the matter accordingly. He cannot send the documents directly to R., because he is not directly in the line of authority, but it is of course possible and desirable if R. could get immediately in touch with the gentleman, whom L'Heureux does not know, but whose identity R. could easily establish. L.H. promised me to go to work on this during this week and to tell me when he is sending the documents. I shall cable you when they leave here so that you can R. when approximately they will arrive in Washington., so that something can be done immediately , before anyone, who may not be familiar with the case, works on it independently R. will likely, because of the impression he has already formed, take positive attitude. Maybe he can also achieve that everything is done as quickly as possible, because I shall understandably be very glad when everything is finally cleared. As soon as the answer from Washington to Stuttgart has arrived,L'Heureux shall notify me. He kept reassuring me that he would do everything possible within his power. I told him,"to be o not to be is here the question", and he understood perfectly well that I must have the Washington permission.

The rest of this letter is in English, which, I trust, you can read.(tr.)

35 11/11

Nr.2 9.8.38

Lieber Max, Ich war gestern in Stuttgart und habe aufgrund der mir von Dir zugegangenen Informationen sehr eingehend mit Herrn Konsul H.J. L'Heureux, welcher mich schon seinerzeit im März empfangen hat und unsere Sache bearbeitet gesprochen. Er war ausserordentlich entgegenkommend und sehr freundlich, sagte mir zu alles zu tun, was er zu der Sache tun könne, jedoch könne er mir keine bindende Zusage machen. Soweit also deckten sich seine Angaben ganz mit denen, welche er im März machte. Er erklärte mir weiterhin, dass im Instanzenweg die zuständige Stelle, an welche er seinen Bericht zu senden hat, nicht das Departement of Labor sondern das Deoartement of State ist. Letzte Instanz für Einwanderungsfragen ist natürlich das Dep.of Labor, aber die Konsulate unterstehen dem State Dep. u. müssen sich daher zunächst an diese wenden. Er sagte wiederum, dass er gerne eine Washington-Entscheidung herbeiführen möchtem, um uns späterhin alle Schwierigkeiten ein für allemal zu ersparen. Gerard R. ist also nicht direkt zuständig. Der Gang der Dinge ist nun folgender: Mr.L'Heureux wird die Akten genau prüfen und dann einen ausführlichen Bericht samt Unterlagen nach Washington an den Sekretary of State im Departement of State senden.Er sagte, dass er selbst schon verwuchen werde die Sache daraufhin zu prüfen, ob sie nicht, wie auch Gerard R. meinte, nach unrer. Auffassung belanglos sei, und er wird, wenn er zu dieser Ansicht kommt, dies auch entsprechend darstellen. Jedenfalls wird er tun was er kann. Er meinte nun, dass er das beste sei, wenn Gerard sich mit dem betreffenden Referenten im State Dep., der diese Immigrationsachen bearbeitet, sofort, ev. schon vor Einlauf der Akten in Verbindung setzt und die Sache entsprechend bespricht. An R. selbst kann er die Sache nicht leiten, weil dieser, wie gesagt, nicht direkt zuständig ist, jedoch ist es natürlich möglich und wünschenswert, dass R. sich mit dem betr. Herrn im State Dep., den L'Heureux nicht kennt, den R. aber unschwer ermitteln kann, sofort in Verbindung setzt. L'H. versprach mir die Angelegenheit diese Woche noch zu bearbeiten und mir mitzuteilen wann er die Akten nach W. absendet. Ichwerde Dir sofort drahten wenn sie abgehen, damit Du R. mitteilen kannst wann ungefähr sie in W. sein können und sofort etwas unternommen werden kann, ehe irgend jemand der die Sache nicht kennt, sie vielleicht selbstständig bearbeitet. R. wird aufgrund des Eindrucks den er bereits von der Angelegenheit geowonnen hat, sie ja sicher befürworten. Vielleicht kann er auch erreichen, dass alles möglichst schnelle erledigt werden kann, denn ich bin begreiflicherweise froh, wenn alles endlich geregelt ist. Sobald die Antwort von Washington, welche an Stuttgart zurück geht, eingelaufen ist, wird Mr.L'H. mich benachrichtigen.Er jedenfalls versicherte mir immer wieder, dass er alles tun wird, was ihm im Rahmen seiner Bestimmungen irgend möglich ist. I told him, "To be or not to be is here the question" and he understood perfectly well that I must have the Washington-permission. He promised mie to do anything he is able to, the rest has to be done over there. What concernes a new Affidavit and the other papers we neeed, Mr.L'H. told me that we will talk this over when the Washington - answer has arrived. We will have ~~XIMEXX~~ plenty of time then. At any rate he dated my new application for immigrationvisas which I gave him yesterday with March, 10th which is the date when I first came to him ant told him abouth the whole affair. So it is absolutely guaranteed that we will get the visas in time. It onve the answer from Wakh. is here all the rest will be done by Mr.L'H. who told me, that all the correspondence , also from you, if that would be once necessary should go to his personal adress. So I guess I arranged things here as well as possible.

Besides that he gave me a very important hint concerning mothers immigration. He told me that in the Amer.Immigration Law (page 25, If I am not mistaken) there is a special law, that the Consul has the

right, yese even the duty to grant a visa without certain papers, it is impossible for the immigrant to gēt thede papers or if that cause him too much trôuble. In Mothers case it is quite claar, he told me, that the Consul in Naples must give her the visa also without a German police record. He told me to inform you, that you may write to Washington , Departement of State and there not complain, but tell them the facts, that mother tries since the 22nd of February to get the police record and that she did not get it till to-day and that it is absolutely × when she will get it. Then you ought to aks them ~~they~~ tell the Consul in Naples that he has to grant Mother the visa without this record. Mr.L'H. is absolutely sure that they will do that because it is a law on which this claim is founded. Please write at once ant tell them in Wash. ~~XXXXXXXX~~ to write to Naples as soon as possible, because Mother wishes to come to America as soon as possible. You may tell them, that she ~~xxxx~~ does not fell herself very at ease in M. because she is rather alone and so on. As I told you in my lst letter Mother has made an application in Naples a few days ago. If she should get a favourable answer within a few days I'll send you a cable , so that you needn't write to M. Otherwise do write immediatley after the arrival of this letter. I guess that ~~Mothers~~ affair will come at any rate to a sollution now and that she will be able to immigrate before her passport expires.

× unknown

What concernes our affairs please do whatever you are able to and doinform Mr.R. or whom it may concern as soon as you got this letter. I am so glad, dear Max, that you are over there and I am so thankful to you for all the interest you take in our affairs, I guess I needn't tell you that.

Besides, the same law on which this application for mother ist founded may be useful for us later on.

Give my love to Maria,

Yours

16/7

WAREHOUSE

General Cigar Co., INC.

NATIONAL BRANDS

CAGUAS

PUERTO RICO

No. 17 August 6th, 1938.

Meine liebe Lilli:-

I acknowledge with thanks your two letters of July 21st and 29th as well as the pictures of young Miss Ruth which show that my niece is d..... cute little girl. Maria and I as well were very happy to get these snapshots. Thank you.

With regard to Mother's visa, I contacted the State Dept. in Washington and I received my friend's answer today which I am forwarding with this same air mail to mother as well as to Alfred L. My friend writes that the gentleman she interviewed at the Immigration Visa Division of the State Department declared that a certificate from a german government office as to good behaviour is not essential; that it is customary to request such certificate; but that if mother stated that she was unable to obtain same, he had no doubt that the consul would issue the visa. I explained this in detail to both mother and Alfred L. and request the latter to cable me in case the consul still refused the visa so that I could get in touch again with Washington at once.

As far as your own immigration problem is concerned, you will have received in the meantime the news that everything is allright. The decision of the chief lawyer in the Department of Labor under whose authority such cases are decided, was favorable. Walter will give you further details.

This week I received a letter from Mrs. Jenny Einstein and Miss Nelly Rosenbaum in which they ask me for an affidavit for Mrs. E.' son which I am not very inclined to send. Unless you ask me to write one for him, will you please tell the ladies that I received their letter, but that I must regretfully refuse because as long as my own family is not admitted to the US, I don't want any further responsibilties.

No more for today. I shall mail this letter from the office; therefor, Maria's greetings are not added in her own hand writing. But we both send our best wishes.

Love

Max

R.A. Dr. Eisenhuth, Stuttgart
Hasenbergstraße

Conrad Diehm, Feinmech. Mühlenstraße
von Panama!

wie Lubach Neuenweg Jung. Lupe
Reg. Rat Ehs

Jur.et rer. pol. Otto Rosenbeg, Attorney at Law, Nueremberg, 5. August 1938

To General Consul Samuel W. Honaker, Stuttgart

Esteemed General Consul!

In Re: Dr.Lilli Rahn, Fuerth

In my letter of the 5th of this month I have advised you of the visit of Mrs. Lilli Rahn, Fuerth, and ask you again to make it possible for Mrs. Rahn to have an interview with the pertinent gentleman at your consulte who is already informed by the conversation we have had.
Most respectfully yours, Rosenberg.

Note of 8.8.38

The quota number of the visa which expired in March of this year will continue to be reserved for the applicant. Furthermore, the Consul will back-date the petitions for new issues of immigration visas, given to him on 8.8.38 to March 10 this year, the day Mrs. Rahn spoke to him for the first time about this matter. A personal appearance gain by Mr. Rahn is unavoidable, however, because of this early reservation it can be guaranteed that Mr./Rahn will be called as soon as it is possible for him to appear in person in Stuttgart, so that from this end no delay will take place. If it is at all necessary to get a new affidavit will be decided at a later date, it is not pertinent today. The feared difficulties on the part of the Stuttgart Consulate may therefore be considered lifted.

Die Quotennummer der im März d.J. abgelaufenen Visen bleibt weiter für die Antragsteller reserviert. Ausserdem datierte der Konsul die ihm am 8.8.38 übergebenen Anträge auf Neuausfertigung von Einwanderungsvisen zurück auf 10.März d.J., an welchem Tage Frau R. erstmalig in dieser Angelegenheit bei ihm vorsprach. Persönliches nochmaliges -rscheinen auch des Herrn R. ist unerlässlich, jedoch kann infolge dieser rechtzeitigen Vormerkung garantiert werden, dass Herr R., sobald es ihm möglich ist sich persönlich vorzustellen, nach St. geladen werden wird, sodass von dort aus keinerlei Verzögerung eintritt. Ob überhaupt nochmalige Beibringung eines Affidavits nötig ist, wird zu einem späteren Zeitpunkt entscheiden werden, ist heute noch nicht spruchreif. Die ev. von seitene des Stuttgarter Konsulates befürchteten Schwierigkeiten können somit als behoben angesehen werden.

8.8.38

Ca August 38

Auszug aus einem Brief von Max;

Regarding Max' Brother, Gerard Reilly, Sollicitor of Labour, assures me that the statutes unser which he was convicted, are not of the character to constitute moral turpitude, and therefor Max' brother may be guaranteed entry to the U.S. when he is ready to come. If the consul in Stuttgart wishes a formal statement to that effect, ask that he write directly to Gerard Reilly, requesting same. Formalities here being what there are, Reilly cannot issue a dictumwithout official request. But since the consul is willing to grant a visa, there seems no need for anything but that. The rest Gerard Reilly will do.

Adresse von Gerard Reilly ist: G.R. sollicitor of Labour, Department of Labour, Washington D.C.

Intentional Second Exposure

Ca August 38

Auszug aus einem Brief von Max;

Regarding Max' Brother, Gerard Reilly, Sollicitor of Labour, assures me that the statutes unser which he was convicted, are not of the character to constitute moral turpitude, and therefor Max' brother may be guaranteed entry to the U.S. when he is ready to come. If the consul in Stuttgart wishes a formal statement to that effect, ask that he write directly to Gerard Reilly, requesting same. Formalities here being what there are, Reilly cannot issue a dictumwithout official request. But since the consul is willing to grant a visa, there seems no need for anything but that. The rest Gerard Reilly will do.

Adresse von Gerard Reilly ist: G.R. sollicitor of Labour, Department of Labour, Washington D.C.

Dr. jur. et rer. pol. Otto Rosenberg
Rechtsanwalt

Fernsprecher Nr. 22317, 22319
Postscheckkonto Nr. 23952
Bankkonto:
Bayer. Hypotheken- und Wechselbank Nürnberg

NÜRNBERG-A, den 5. August 19 38.
Königstraße 3

H. J. L'Heureux

5/30

Herrn
Generalkonsul Samuel W. Honaker,
S t u t t g a r t
Danneckerstrasse 22.

Sehr geehrter Herr Generalkonsul!

Betr.: Frau Dr.Lilli Rahn, Fürth.

Mit Schreiben vom 5.ds. habe ich Ihnen den Besuch von Frau Dr.Lilli Rahn, Fürth, avisiert und bitte Sie,nochmals, Frau Dr.Rahn die Rücksprache mit dem in Frage kommenden Herrn Ihres Konsulats, welcher durch die seinerzeitige Unterredung bereits im Bilde ist, zu ermöglichen.

Mit vorzüglicher Hochachtung

Dr. Rosenberg.

"Regarding Max' brother, Gerard Reilly, Solicitor of Labor, assures me that the statutes under which he was convicted, are not of the character to constitute moral turpitude, and therefor Max' brother may be guaranteed entry to the US. when he is ready to come. If the consul in Stuttgart wishes a formal statement to that effect, ask that he write directly to Gerard Reilly, requesting same. Formalities here being what they are, Reilly can't issue a dictum without official request. But since the consul is willing to grant a visa, there seems no need for anything but that. The rest, Gerard Reilly will do."

ÉTABTS BIERER, PARIS

3. 8. 38.

Liebe Lilli!

Ich danke Dir vielmals für Deinen lieben ausführlichen Brief, auf den ich Dir sobald als möglich antworten werden. Heute will ich Dir nur schreiben um Dir mitzuteilen, dass ich von Max einen sehr ausführlichen Brief hatte, dessen Quintessenz ich Dir anbei sende. Du wirst Dich sicher freuen, dass einer Einreise für A. nichts im Wege steht von drüben aus. Falls der Konsul in Stuttgart irgend wie zögern sollte, so soll er sich direkt an M. Gerard Reilly, Solicitor of Labor, U. S. Department of Labor, Washington D. C. wenden, der ihm dann Bescheid geben wird.

Max ist dafür, dass der Konsul an Reilly schreibt und eine Washington-Entscheidung verlangt, denn man könne nie wissen, wielange R. noch im Amt sei.-

Bestätige mir Erhalt des Briefes. Falls etwas zu tun ist, mache ich es gerne.

Einstweilen nur diesen kurzen Gruss, bald mehr.

Dein

Arthur

Information from the American Consulate with regard to Immigration to the US.

If people who have a criminal record want to immigrate to the United States, there is no obstacle in their way if the violations of which they have been convicted in Germany are not punishable by American law. Is it, however of violations which re also punishable according to US law, immigration is more difficult o impossible. Perjury is a violation which is also punishable by US law. Decisive for the judgment by the American authorities o the local consulate here is exclusively the judgment of the German court and the paragraphs which it cites. Of course the seriousness of the case, the motives which led to the false statement under oath will also be considered, but only secondly. Should it then appear that the false statement under oath is not considered such under American law, then there is no obstacle to immigration. It is also important that by giving this false statement there was no intent of obtaining by trickery a permit or tax evasion , that is damage to the national finances. The consul advises therefore, if the case should be attacked from here, to take the following course: He wants to get six copies in German and six copies in English, notarized translations. He will then take the matter up with the legal advisor of the Consulate. If he does not feel competent to decide the matter (and this will probably be the case), then the 12 copies of the verdict will be sent to Washington and submitted for a decision by the highest Immigration Services. If these authorities give a negative judgment, then immigration for this particular immigrant has been made impossible forever. If, however, the decision is positive, then immigration is guaranteed once and for all. A positive judgment from Washington would, in any case, be preferable to positive judgment by the local Consulate., because, if the decision is made by the consulate here, there could still arise difficulties with the immigration, which, if there is positive judgment from Washington, would be out of the question. If the relatives of the immigrant enter the US before the person in question, that would be, in the opinion of the Consul, no relief for the immigrant in question, but that also would have to be ascertained in Washington. In short, the final decision in all questions comes lies in Washington and can best be authentically decided there.

March 1938

Auskunft des amer.Konsulates bzgl. der Einwanderung nach den Ver.Staaten.

Wenn in Deutschland vorbestrafte Personen nach den Ver. Staaten einwandern wollen, so steht ihrer Einwanderung dann nichts im Wege, wenn die Delikte, aufgrund deren sie in Deutschland verurteilt worden sind, nach amerikanischem Recht nicht strafbar sind. Handelt es sich dagegen um Delikte, die auch nach amer.Recht strafbar sind, so ist eine Einwanderung erschwert oder unmöglich. Die Abgabe einer falschen eidesstattlichen Erklärung ist ein Delikt, das auch nach amer. Gesetz strafbar ist. Massgebend für die Beurteilung der amer. Behörde, bezw. des hiesigen Konsulates ist dabei ausschliesslich das Urteil des deutschen Gerichtes und die Paragraphen, auf welche es Bezug nimmt. Natürlich wird auch die Schwere des Falles, bezw. die Beweggründe, welche zu der Abgabe der falschen eidesstattlichen Erklärung führten mit berücksichtigt, jedoch erst in zweiter Linie. Stellt es sich z.B. heraus, dass die falsche eidesstattliche Erklärung nach amer. Recht nicht als eine solche anzusehen ist, wo steht der Einwanderung natürlich kein Hindernis im Wege. Wichtig ist auch, dass mit dieser eidesstattlichen Erklärung keine Erschleichung einer Genehmigung oder Steuerhinderziehung, also Schädigung der Reichsfinanzen beabsichtigt war. Der Konsul schlägt nun, falls der Fall von hier aus in Angriff genommen werden soll, folgenden Weg vor: Er will sechs Abschriften in deutscher Sprache und sechs beglaubigte Uebersetzungen in englischer Sprache haben. Er will dann die Angelegnheit zunächst durch den Juristen des Konsulates prüfen lassen. Fühlt dieser sich nicht kompetent die Sache endgültig zu entscheiden (und dies wird wahrscheinlich der Fall sein) so werden die 12 Ausfertigungen des Urteils an die oberste Einwanderungsbehörde nach Washington gesandt und dort zur Entscheidung vorgelegt. Fällt die dortige Behörde einen negativen Entscheid, so ist die Einwanderung für den betr. Einwanderer für immer unmöglich gemacht. Fällt der Entscheid in Washington dagegen positiv aus, so ist Einwanderung ein für allemal gesichert. Ein positives Urteil von Washington wäre auf jeden Fall auch einem positiven Urteil des hiesigen Konsulates vorzuziehen, weil, wenn die Begutachtung nur durch das hiesige Konsulat erfolgt, bei der Einwanderung möglicherweise immer noch Schwierigkeiten gemacht werden können, was, wenn eine positive Begutachtung durch die Behörde in Washington vorliegt, keinesfalls mehr in Frage kommt. Falls die Angehörigen des Betreffenden schon vorher nach U.S.A. einwandern, so bedeutet das nach Ansicht des Konsuls keine Erleichterung für den in Frage stehenden Einwanderer, doch müsste auch darüber in Washington rückgefragt werden. Die endgültige Entscheidung liegt also bei allen Fragen in Washington und kann am besten von dort authetisch entschieden werden.

März 1938

Das Gerichtsurteil geht dem Bruder des Verurteilten sofort nach Erhalt der deutschen und fremdsprachlichen beglaubigten Ausfertigung zu, damit derselbe sich aufgrund desselben mit den in Frage kommenden Behörden ins Benehmen setzen kann. Was dann von drüben aus für Schritte unternommen werden müssen, muss ganz in das Ermessen der dortigen Verwandten gestellt werden, die ja mit den örtlichen Verhältnissen am besten vertraut sind. Persönliche Intervention in Washington wird sicherlich nötig sein. Es ist darauf hinzuweisen, dass ein neues Visum erst frühestens im Nov.-Dez. dieses Jahres hier wieder beantragt werden wird, da die Einwanderung vor März 1939 nicht stattfinden kann und das Visum ja nur jeweils 4 Monate Gültigkeit hat. Dagegen wäre es natürlich ausserordentlich wichtig und wertvoll schon jetzt die grubdsätzliche Stellungnahme der Auswanderungsbehörden zu erlangen, um die entsprechenden Massnahmen treffen zu können und Zukunftspläne machen zu können aber die ev, positive Zusage der dortigen Einwanderungsbehörde müsste natürlich bis zu dem oben bezeichneten Termin der Neuausstellung des Visums Gültigkeit haben. Des besseren Verständnisses halber muss noch darauf hingewiesen werden, dass es sich um keinerlei Steuerhinterziehung handelt , sondern dass die strittige Summe im Gesamtbetrag des Vermögens voll enthalten ist und dass lediglich der Eintrag in eine gesonderte Rubrik mit der Bezeichnung "Barmittel" versäumt wurde. Die Finanzkasse ist in keiner Weise geschädigt, was ja auch daraus hervorgeht, dass weder der Verurteilte selbst, noch seine Mutter die Mitbesitzerin des strittigen Betrages zu einer Geldstrafe oder zu einer Nachzahlung von Steuern verurteilt worden sind. Es handelt sich vielmehr, wie auch aus dem Urteil hervorgeht, um einen prinzipiellen Präzedenzfall. Es wird sich auf jeden Fall empfehlen, die Sache von dort aus in Angriff zu nehmen. Von hiernaus wird zunächst, seitense der Familie des Einwanderers nichts unternommen, auch nicht der vom Konsul vorgeschlagegene Weg eingeschlagen, solange nicht Anweisung der amer. Verwandten vorliegt, was hier unternommen werden soll. Vielleicht wird Washington nichts tun können, ehe es nicht die Unterlagen des hiesigen Konsulates vorliegen hat. All diese Fragen sind drüben zu klären. Umgehende Erledigung ist natürlich äusserst erwünscht, schon um die Situation zu klären.

Es ist noch darauf hinzuweisen , dass lt. Darlegungen des Angeklagten, die Abgabe der falschen Erklärung nicht absichtlich, sondern fahrlässig war, dass ein Devisenvergehen, weder beabsichtigt noch in Wirklichkeit erfolgt ist, dass also die gesamten abgeurteilten Strafhandlungen in gutem Gauben und ohne böse Absicht erfolg sind.

Mäy 2y

Das Gerichtsurteil geht dem Bruder des Verurteilten sofort nach Erhalt der deutschen und fremdsprachlichen beglaubigten Ausfertigung zu, damit derselbe sich aufgrund desselben mit den in Frage kommenden Behörden ins Benehmen setzen kann. Was dann von drüben aus für Schritte unternommen werden müssen, muss ganz in das Ermessen der dortigen Verwandten gestellt werden, die ja mit den örtlichen Verhältnissen am besten vertraut sind. Persönliche Intervention in Washington wird sicherlich nötig sein. Es ist darauf hinzuweisen, dass ein neues Visum erst frühestens im Nov.-Dez. dieses Jahres hier wieder beantragt werden wird, da die Einwanderung vor März 1939 nicht stattfinden kann und das Visum ja nur jeweils 4 Monate Gültigkeit hat. Dagegen wäre es natürlich ausserordentlich wichtig und wertvoll schon jetzt die grubdsätzliche Stellungnahme der Auswanderungsbehörden zu erlangen, um die entsprechenden Massnahmen treffen zu können und Zukunftspläne machen zu können aber die ev, positive Zusage der dortigen Einwanderungsbehörde müsste natürlich bis zu dem oben bezeichneten Termin der Neuausstellung des Visums Gültigkeit haben. Des besseren Verständnisses halber muss noch darauf hingewiesen werden, dass es sich um keinerlei Steuerhinterziehung handelt , sondern dass die strittige Summe im Gesamtbetrag des Vermögens voll enthalten ist und dass lediglich der Eintrag in eine gesonderte Rubrik mit der Bezeichnung "Barmittel" versäumt wurde. Die Finanzkasse ist in keiner Weise geschädigt, was ja auch daraus hervorgeht, dass weder der Verurteilte selbst, noch seine Mutter die Mitbesitzerin des strittigen Betrages zu einer Geldstrafe oder zu einer Nachzahlung von Steuern verurteilt worden sind. Es handelt sich vielmehr, wie auch aus dem Urteil hervorgeht, um einen prinzipiellen Präzedenzfall. Es wird sich auf jeden Fall empfehlen, die Sache von dort aus in Angriff zu nehmen. Von hiernaus wird zunächst, seitense der Familie des Einwanderers nichts unternommen, auch nicht der vom Konsul vorgeschlagegene Weg eingeschlagen, solange nicht Anweisung der amer. Verwandten vorliegt, was hier unternommen werden soll. Vielleicht wird Washington nichts tun können, ehe es nicht die Unterlagen des hiesigen Konsulates vorliegen hat. All diese Fragen sind drüben zu klären Umgehende Erledigung ist natürlich äusserst erwünscht, schon um die Situation zu klären.

Es ist noch darauf hinzuweisen , dass lt. Darlegungen des Angeklagten, die Abgabe der falschen Erklärung nicht absichtlich, sondern fahrlässig war, dass ein Devisenvergehen, weder beabsichtigt noch in Wirklichkeit erfolgt ist, dass also die gesamten abgeurteilten Strafhandlungen in gutem Gauben und ohne böse Absicht erfolg sind.

Abg 2y

At the start of 1938 Mr. R. was convicted for breaking a law against foreign exchange according to ¶¶ 34, 43 # 5 in conjunction with false statement under oath to a year and two months prison. The verbatim English translation , notarized, is as follows:"...is being sentenced to one year and two months imprisonment and the costs of the proceedings because of continued transgression of the foreign exchange law according to paragraphs 34,43 Nr. 5 of the foreign exchange law in connection with the continued misdemeanor of rendering a false affidavit."

Mr. R. and his family had already obtained immigration visa to the US in 1937, whose validity ran out in March 1938, because the family did not emigrate by reason of Mr. R's conviction. Before the visa became invalid Mrs. R. inquired with the pertinent consul in Stuttgart, Consul L'Heureux, who opined at the time that one could simply let the visa lapse since they would issue new ones when the family was ready to travel. He also said that in principle there was no impediment to the emigration. The judicial verdict before him he had scanned briefly. Nevertheless he thought it would be good if the highest immigration office in Washington would give its assent that the penalty of Mr. R. would not be an obstacle to immigration, that this would be better than a simple statement from the consulate. He said that Mrs.R. should submit the verdict to him in German andEnglish with six copies each and he would forward it to the ImmigrationServices Immigration Services in the US. The highest immigration office is the Department of Labor. The consulates, however, are under the State Department, so that the matter has to be directed to the Department of State first, which would then forward it to the Department of Labor, if it cannot or won't decide of its own. Mrs. R., however, did not send the desired documents to Stuttgart, but got in touch with her brother-in-law in America, the brother of her husband, Mr. M.R. who is an American citizen. He tried to establish a connection to the Immigration Department on his own hook. and notified Mrs. R. in August that Senator Reilly in Washington in the Department of Labor had made positive statements about the case and had declared that in his opinion this was not a case of "moral turpitude", therefore no impediment to Mr. R's immigration existed. . Mr. Reilly had before him the documents which Mrs.R. had submitted to her brother-in-law , the notarized German and English texts of the judicial verdict. After receiving this information Mrs.R. went again to the consulate in Stuttgart, where the consul declared he would send the papers immediately to Washington. When Mrs. R. did not hear anything for a number of days she complained in Stuttgart.Thereupon she received a letter from the Consul in which he informed her that after careful reading of the verdict he had concluded that the misdemeanor for which Mr. R. had been penalized included "moral turpitude", and that he had therefore lost once and for all the chances to emigrate to the United States. He returned the papers at the same time.

Mrs. R. went to Stuttgart again and asked the Consul what she should do now, since no other immigration country was possible..The Consul advised her to get in touch with her

brother-in-law and to charge him with getting in touch directly with the responsible departments in Washington. He himself could not do any more, but would be very willing to issue the visa if he was advised to do so from there. Mr. M.R. in America has the unquestionable right to make appeals on his part to Washington for his brother. It is entirely possible, the consul said, that the departments in Washington could see the matter in a different light , but he could only go by his directives here and had to go by the verbatim statement of the German judicial verdict. Based on that wording he was unable to issue a visa. If Washington, however, was of a different opinion he would be glad to do so but needed an official directive from there. Mrs. R. informed her brother-in-law of this. She does not know what Mr. R. in Washington undertook at this point. But he had indicated to her several times that he had done everything possible. On November 16 this year Mr. R in America sent the following telegram to the uncle of Mrs.R. with the request to forward it to her: "Urgent you inform Lilli immediately that State Department is cabling today requesting their information and possible opinion of American Attorney residing there stop Lilli should contact Consul and any other person on case to secure favorable report."

Upon receipt of this telegram Mrs.R. went immediately to Stuttgart, where, however, the mentioned telegrams were not there. Furthermore, the telegram of Mr. R. demanded exactly what Mrs. R. was unable to achieve, namely a "favorable report" by the consul in Stuttgart. The next day a second telegram of Mr. R. in Washington arrived, as follows:"Request of State Department was cabled only today to Berlin Consul General instead of to Stuttgart stop believe information requested is whether violation committed concerned material or immaterial points stop after todays view

concerned material or immaterial points sop after todays interview personal intervention in my opinion a very delicate matter and should be attempted only if right approach available." After receipt of the first telegram and the failed interview in Stuttgrt Mrs. R. had already cabled her brother-in-law that the telegram was not there. After receiving the second telegram she cabled again that the consul had notified her again that it should be possible for Mr. R. in Washington to obtain favorable judgment and to achieve there that the officials there would direct the Stuttgrt consulate to issue a visa to Mr. R. an inquiry few days later in Stuttgart found that the cable via Berlin had also not arrived.

Those re the facts up to this point. If Mr.R. in Washington has taken the right steps cannot be judged from here. What is clear is that IN THE SHORTEST TIME , that is at the latest by the end of this year the permission to enter, that is the guarantee for it will have to be given , so that he can receive the visa the moment he leaves prison.. waiting period is out of the question for Mr. R. and his family because according to American immigration law anyone who has already received a visa which he could not use for reasons beyond his control will receive it right away again when he asks for it. Theoretically, therefore, Mr.R. can receive the visa immediately, if this principal question did not need ~~not~~ to be clarified. . This has to b e cleared quickly and finally because otherwise Mr.R. would not receive a passport. This is therefore this Q of greatest importance for him and his future. The violation of Mr.R. consists of a combination of laws against foreign exchange with false affidavit. Since laws against foreign exchange do not exist in the USA this combination is there impossible and could be made formal-juristically from the American point of view against the refusal by the consul.

It cannot be stressed enough that release of Mr.R. and his emigration are tied intrinsically to a positive solution of this immigration question and that therefore nothing must be left undone to enable the immigration for him. But since the petition for emigration , according to the information by local officials, has to be made at least two months before the intended emigration, the confirmation by the consulate that visa will be issued immediately when he asks for it, MUST be available at least before the end of the year, because Mr. R. will have absolved his penalty at the beginning of March . What steps will have o be taken in Washington is , of course, outside my ken. , but presumably personal intervention with deciding departments by certain personalities is probably the way to achieve a positive and final ruling.

Zu Beginn des Jahres 1938 wurde Herr R. wegen eines fortgesetzten Devisenvergehens gemäss §§ 34, 43 Ziffer 5 Devisengesetz in Tateinheit mit einem Vergehen der Abgabe einer falschen eidesstattlichen Versicherung zu einem Jahre und zwei Monaten Gefängnis verurteilt. Der Wortlaut der beglaubigten englischen Uebersetzung des Urteils zu diesem Passus lautet: "... is being sentenced to one year and two months imprisonment and the costs of the proceedings because of continued transgression of the foreign exchange law according to paragraphes 34, 43 Nr.5 of the foreign exchange law in connection with the simultaneous misdemeanor of rendering a false affidavit."

Herr R. und seine Familie hatten bereits im November 1937 Einwanderungsvisen für die Vereinigten Staaten erhalten, deren Gültigkeit im März 1938 ablief, da infolge der Verurteilung von Herrn R. die Familie nicht auswanderte. Ehe die Visen abliefen erkundigte sich Frau R beim zuständigen Konsul in Stuttgart, Consul L'Heureux, der seinerzeit meinte, dass man die Visen ruhig verfallen lassen solle und sie dann, wenn die Familie reisen könne, wieder neu austellen werde, auch meinte er, dass grundsätzlich der Einwanderung nichts im Wege stehe. Das ihm vorgelegte Gerichtsurteil hatte er vorher flüchtig durchgesehen. Dennoch meinte er wäre es gut, wenn die oberste Einwanderungsbehörde in Washington ihre Zustimmung dazu geben würde, dass die Strafe des Herrn R. nicht einwannderungshemmend sei, da dies viel besser sei, als eine blosse Feststellung des Konsulates. Er sagte, dass Frau R. ihm das Urteil deutsch und englisch in je sechsfacher Ausfertigung zugehen lassen solle und er werde es dann an die oberste Einwanderungsbehörde in Washington weiter leiten. Die oberste Einwanderungsbehörde ist das Department of Labor. Die Konsulate unterstehen aber dem Department of State, weshalb die Sache zuerst an das Department of State geleitet werden muss, die es dann an das Labordepartment weitergibt, wenn sie selbst es nicht entscheiden kann oder will. Frau R. sandte aber die gewünschten Unterlagen zunächst nicht nach Stuttgart, sondern setzte sich zuerst mit ihrem Schwager in Amerika, dem Bruder ihres Mannes, Herrn M.R. , der Amerikanischer Staatsbürger ist, ist in Verbindung. Dieser suchte von sich aus eine Verbindung zur Einwanderungsbehörde herzustellen und liess Frau R. im August wissen, dass Senator Reilly in Washington im Department of Labor sich positiv über den Fall ausgesprochen habe und erklärt habe, dass seiner Meinung nach eine"moral tupitude" nicht vorliege, somit kein Einwanderungshindernis für Herrn R. bestehe. Herr Reilly hatte die Unterlagen vorliegen, das Frau R. ihrem Schwager sowohl den deutschen wie beglaubigten englischen Text des Gerichtsurteiles hatte zugehen lassen. Nach Erhalt dieser Nachricht begab sich Frau R. wiederum auf das Stuttgarter Konsulat, wo ihr der Konsul erklärte erwerde die Unterlagen unvorzüglich nach Washington weitergeben. Als Frau R. einige Tage nichts hörte, monierte sie in Stuttgart. Daraufhin erhielt sie einen Brief des Konsuls, in welcher ihr dieser mitteilte, dass er nach genauer Prüfung des Gerichtsurteils festgestellt habe, dass das Vergehen wonach Herr R. verurteilt wurde, "moral turpitude" einschliesse und er daher ein für allemal die Möglichkeit verloren habe in die Vereinigten Staaten einzuwandern. Die Unterlagen sandte er gleichzeitig wieder zurück.

Frau R. fuhr erheut nach Stuttgart und befragte den Konsul was sie nun tun solle, da kein anderes Einwanderungsland als Amerika in Frage käme. Der Konsul riet ihr, ihrem Schwager den Auftrag zu geben, sich direkt mit dem zuständigen Stellen in Washington ins Benehmen zu setzen. Er könne nichts anderes tun

sei aber gerne bereit, das Visum zu erteilen, wenn er von Washing t on dazu angewiesen werde. Herr M.R. in Amerika habe ohne weiter res das Recht von sich aus eine Eingabe nach Washington für seine Bruder zu machen. Es sei durchaus möglich, und sagte der Konsul, dass die Washingtoner Behörden die Sache anders beurteilten, er könne sich hier aber nur an seine Vorschriften halten und müsse sich genau an den Wortlaut des deutschen Gerichtsurteiles halten. Aufgrund dieses Wortlautes könne er ein Einwanderungsvisum nicht erteilen. Jedoch wenn Washington anderer Ansicht sei, so würde er es gerne tun, müsste aber dazu den offiziellen Auftrag von dort erhaltem. Dies teilte Frau R. ihrem Schwager mit. Was Herr M.R. in Washington darauf unternommen hat, weiss sie nicht, doch bedeutete er ihr mehrfach, dass er alles getan habe, was möglich sei. Am 16.November ds.J. sandte Herr M.R. aus Amerika folgendes Telegramm an den Onkel von Frau R. mit der Bitte es dieser zu übermitteln: "Urgent you to inform Lilli immediately that State Department is cabling to-day requesting further informations and possibly opinion of american Attorney residing there stop Lilli should contact Consul and any other person on case to secure favorable report.!.."
Nach Erhalt dieses Telegrammes begab sich Frau R. sofort nach Stuttgart, wo aber ein entsprechendes Telegramm nicht vorlag. Aiusserdem wurde in dem Telegramm des Herrn M.R. gerade das gefordert, was Frau R. nicht erreichen konnte, nämlich ein "favorable report" des Stuttgarter Consuls. Am nächsten Tage traf ein zweites Telegramm des Herrn M.R. aus Washington ein, folgenden Wortlautes: " Request of State Department was cabled only to-day to Berlin Consul General instead of to Stuttgart stop believe information requested is wether violation committed conderned meterial or immaterial points stop after to-days interview personal intervention inm my opinion a very delicate matter and should be attempted only if right approach available."
Nach Erhalt der ersten Depesche und der vergeblichen Vorsprache in Stuttgart hatte Frau R. bereits an ihren Schwager telegraphiert, dass das Telegramm nicht vorlag. Nach Erhalt des zweiten Telegrammes tegraphierte sie wiederum, dass der Konsul sie nochmals daraif aufmerksam gemacht habe, dass es für Herrn M.R. in Washington möglich sein müsste, eine entsprechende günstige Beurteilung zu erlangen und durchzusetzen, dass die dortigen Behörden das Stuttgarter Konsulat anweisen, Herrn R. ein Visum zu erteilen. Eine Rückfrage einige Tage später in Stuttgart ergab, dass das Telegramm auch via Berlin dort nicht eingetroffen ist.
Dies ist der heutige Tatsachenstand. Ob Herrn M.R. in Washington die richtigen Schritte unterneommen hat, ist von hier aus nicht zu beurteilen. Fest steht, dass in <u>kürzester Frist</u> und zwar spätestens bis zu Ende dieses Jahres für Herrn R. die Einreiseerlaubnis, d.h. die Garantie gegeben sein muss, dass er in dem Augenblick in dem er aus dem Gefängnis entlassen wird, das Visum erhalten kann. Eine Wartezeit kommt für Herrn R. und seine Familie deshalb nicht mehr in Frage, weil nach amerikanischem Einwwnderungsgesetz derjenige, welcher schon ein Visum hatte, ea aner aus Gründen höherer Gewalt nicht ausnutzen konnte, es sofort wieder erhält, wenn er wieder darum vorspricht. Theoritisch kann Herr R. und seine Famile also das Visum sofort erhalten, wenn nicht diese prinzipielle Frage noch zu klären wäre. Diese muss nunmehr raschenstens und endgültig geklärt werden, da Herr R. sonst keinen Auswanderungspass erhält. Es ist daher diese Frage von allergrösster Wichtigkeit für ihn und seine Zukunft. Das Vergehen des Herrn R. besteht in einer Tatbinheit von Devisenvergehen mit falscher eidesstattlicher Erklärung. Da es in den Ver.Staaten Devisenvergehen nicht gibt,

Ist diese Kombination dort überhaupt nicht möglich und wäre also auch formaljuristisch vom amerikanischen Standpunkt aus gegeh die Ablehnung des Konsuls Einwendung zu machen.
Es kann nicht genügend betont werden, dass die Entlassung des Herrn R. und seine Auswanderung aufs allerengste mit der positiven Lösung dieser Einwanderungsfrage zusammenhängt und daher nichts unversucht bleiben darf, um die Einwanderung für ihn zu ermöglichen. Da aber der Antrag auf Auswanderung evt. Mt. Auskunft der hiesigen Behörden mindestens zwei Monate vor der beabsichtigten Auswanderung gestellt werden soll, so muss die Bestätigung des Konsulates, dass ein Visum sofort erteilt werden wird, sobald er darum nachsucht, mindesstens zu Bnde dieses Jahres vorliegen, da Herr R. Anfang März seine Strafe verbüsst hat. Welche Schritte in Washington zu ergreifen sind, entzieht sich hier natürlich völlig unserer Kenntnis, doch ist vermutlich persönliche Intervention bei den entscheidenden Stellen durch entsprechende Persönlichkeiten der Weg auf dem am schnellsten eine positive und endgültige Regelung herbeigeführt werden kann.

(C O P Y)

In reply refer to
File No. 811.11 Rahn, Alfred
FLS/MLB

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

DEPARTMENT OF STATE

AMERICAN CONSULATE

Stuttgart, Germany, February 28, 1938.

Mr. Max Rahn,
General Cigar Company,
Caguas, Puerto Rico.

Sir:

The receipt is acknowledged of your letter of February 14, 1938, concerning your brother, Alfred Rahn, his wife and daughter, who received immigration visas to the United States at this office on November 18, 1937. You state that in all probability, they cannot leave Germany before the spring of 1939 and ask this office to expedite the issuance of visas to the Rahn family when they are in a position to emigrate.

The Consulate is, of course, unable to give definite assurance that the Rahn family will be able to qualify for immigration visas when they again make their applications, but you are assured that prompt and sympathetic attention will be accorded to their applications.

If they are unable to emigrate before the spring of 1939, it is suggested that you forward to this office shortly after January 1, 1939, new evidence of your willingness and ability to provide for them in the United States. If your brother finds that he is able to emigrate before that time, he should communicate with this office and it will then be determined whether or not additional evidence will be required from you.

Respectfully yours,
(signed)
SAMUEL W. HONAKER
American Consul General.

February 14th, 1938

American Consul General,
Koenigstr. 19 A,
Stuttgart, Germany.

Sir:

In January of this year you received from Mr. John Farr Simmons, Chief of the Visa Division of the Department of State, a cable inquiry regarding the case of my brother Alfred Rahn, of Fuerth, Germany. You were good enough to send an immediate reply and I wish to thank you for the prompt attention you gave this matter.

I have received word from my brother that he cannot leave Germany during the period the visas which were issued to him and his family on November 18th, 1937, are valid. It is my understanding that they cannot leave Germany before the Spring of 1939.

The purpose of this letter is to ask you kindly to do everything that is possible for my brother and his family when they are able to leave Germany. I do not know exactly what the regulations are as to the possibility of an extension or renewal of the present visas.

I would be most grateful to you if you could give me some assurance that the case of my brother and his family would be handled promptly by your office as soon as they are able to leave Germany, and if there is anything that can be done by me in order to facilitate the issuance of an extension or renewal of the present visas until Spring 1939, please let me know at once as I am most anxious to do everything I can in the interest of my brother and his family.

Needless for me to say that I shall be most grateful to you, Sir, for your kind attention to this matter, and I wish to remain,

Yours respectfully,

MAX RAHN

The Foreign Service of the United States of America
Stuttgart, 10. January 1938

To Alfred Rahn, Koenigstr. 129, Furth, Bavaria

The Consulate received a request concerning the matter of your visa from the USA, and in order to respond we ask you for notification if you have already corresponded with the Consulate, or if you have ever applied for a visa here.
Please submit the details to this office as soon as possible.
For the General Consul, H.J. L'Heureux

To the American Consulate, Stuttgart, 11. January 1938

Re: 811.11 ES, Rahn, Alfred

In answer to your letter of 10th of this month I notify you that the American Consulate inStuttgart, as you can see from your files, has issued the following visa for my family and my nursemaid on November 18, 1937:

Alfred Rahn, Quota Immigration Visa # 8458
Lilli Bechmann-Rahn, Quota Immigration Visa # 8459
Ruth Marion Rahn ,Quota Immigration Visa # 8460
Helene Bergen-Lorz, Nursemaid, Quota Immigration Visa # 8461

I hope this information is sufficient. I am respectfully yours,

11.Jan.38.

An das

Amerikanische Konsulat

Stuttgart
Königstrasse 19 A.

Betr. 811.11 ES
Rahn, Alfred

In Beantwortung Ihres Schreibens vom 10.ds. teile ich Ihnen mit, dass das Amerikanische Konsulat in Stuttgart, wie Sie aus Ihren Akten ersehen können, für meine Familie und meine Kinderpflegerin am 18. November 1937 folgende Visa erteilt hat:

Alfred Rahn, Quota immigration visa No. 8458
Lilli Bachmann - Rahn, Quota immigration visa No. 8459
Ruth Marion Rahn, Quota immigration Visa No. 8460
Helene Bergen - Lorz, Kinderpflegerin, Quota immigration visa No. 8461.

Ich hoffe, dass Ihnen diese Angaben genügen und zeichne

mit vorzüglicher Hochachtung!

IN REPLY REFER TO
FILE NO. 811.11 ES
Rahn, Alfred

DEPARTMENT OF STATE

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

AMERICAN CONSULATE

Stuttgart, den 10. Januar 1938.

Herrn Alfred Rahn,
Koenigstr. 129,
Fuerth, Bayern.

Das Konsulat erhielt eine Anfrage wegen Ihrer Visumangelegenheit aus den Vereinigten Staaten, und, um sie beantworten zu koennen, ersucht essie um Nachricht, ob Sie bereits mit dem Konsulat korrespondiert haben, oder ob Sie ein Visum jemals hier beantragt haben.

Die Einzelheiten wollen Sie bitte diesem Buero sobald wie moeglich mitteilen.

Hochachtungsvoll
Fuer den Generalkonsul:

H. J. L'Heureux,
Amerikanischer Konsul.

Fuerth?Bavaria, 18. October 1937
To the Amercan Consulate, Stuttgart 1, P.O. box 949

Since I am intending to emigrate to the United States with my family, which consists of my wife, Lilli, my daughter, Ruth-Marion, the nursemaid, Mrs.Helene Lorz, and myself, I politely request herewith the necessary immigration visa and include for this purpose the following documents:

1. Birth certificate of Alfred Rahn. born 28.1.01 (in duplicate)
2. " Lilli Rahn , nee Bechmann. born 10.2.11 (dupl.)
3. " Ruth Marion Rahn, " 15.6.36 "
4. " Helene Lorz, nee Bergen, " 16.1.00 "
5. 4 separate passport fotos each of the above mentioned persons (16 photos)
6. Marriage certificate Alfred Rahn/Lilli Bechmann in dupl.

3. " Fr. Rossner / Helene Lorz "
7. " Karl Lorz / Helene Bergen, in dupl.
9. Divorce verdict Karl Lorz/Helene Lorz in dupl.
z "
10. " Fr. Rossner,/Helene Rossner, in dupl. 0 ". "

Further :
Affidavit, consisting in
a. Sworn declaration of Max and Maria Pintado Rahn, dupl.
b. Letter of the President of the Insular Police Commission of San Juan, Puerto Rico, in dupl.
c. Letter of the banking house Sartorius and Smith, Members of the N.Y. Stock Exchange, 61 Broadway, New York, im dupl.
d. Letter of the Manufacturers Trust Company ,513 Fifth Avenue, New York, N.Y. in dupl.

The still missing good-conduct reports from the police will follow as soon as I receive them, ask you however politely to schedule me for a summons for personal appearance at the consulate at the earliest possible time..
Looking forward with interest to notification in this matter I sign respectfly

Incl.
documents listed above
self-addressed, stamped envelope

Alfred Rahn,

Fuerth/Bayern, 18. Oktober 1937.
Koenigstr.129,
Tel.70122.

An das
Amerikanische Konsulat,
Stuttgart 1.
Postfach 949.

Da ich beabsichtige, mit meiner Familie, bestehend aus
meiner Frau Lilli,
meiner Tochter Ruth Marion,
der Kinderpflegerin, Frau Helene Lorz, und
mir,
nach den Ver. Staaten von Nordamerika auszuwandern, beantrage ich hierdurch hoefl. die notwendigen Einwanderungsvisen und fuege zu diesem Zweck folgende Unterlagen bei:

1.) Geburtsurkunde v.Alfred Hermann Rahn, geb.28.1.01, in duplo,
2.) " "Lilli Rahn, geb. Bechmann, geb.10.2.11, " ",
3.) " "Ruth Marion Rahn, " 15.6.36, " ",
4.) " "Helene Lorz, Geb.Bergen, " 16.1.00, " ",
5.) je 4 lose Passbilder der genannten Personen, also 16 Bilder,
6.) Heiratsurkunde Alfred Rahn/Lilli Bechmann in duplo
7.) " Karl Lorz/Helene Bergen in duplo
8.) " Fr.Rossner/Helene Lorz in duplo
9.) Scheidungsurteil Karl Lorz/Helene Lorz " "
10.) " Fr.Rossner/Helene Rossner in duplo

ferner:

Affidavit, bestehend aus:

a.) Sworn declaration of Max and Maria Pintado Rahn, in duplo,
b.) Brief des Praesidenten der Insular Police Commission von San Juan, Puerto Rico, in duplo,
c.) Brief des Bankhauses Sartorius & Smith, Members of N.Y. Stock Exchange, 61 Broadway, New York, in duplo,
d.) Brief der Manufacturers Trust Company, 513 Fifth avenue, New York, N.Y., in duplo.

Die fehlenden polizeilichen Fuehrungszeugnisse lasse ich sofort nach Erhalt nachfolgen, bitte Sie jedoch hoeflichst, mich schon jetzt zu einer moeglichst baldigen persoenlichen Vorstellung auf Ihrem Konsulat vormerken zu wollen.

Ihren diesbezueglichen Nachrichten sehe ich mit Interesse entgegen und zeichne

hochachtungsvoll

Anlagen: oben angefuehrte Papiere etc.
1 Frankokouvert.

American Consulate Stuttgart

The following papers are needed to apply for an immigration visa and have to be sent in for preliminary inspection.

1. Two birth certificates
2. Four loose passport photos for each person, on thin paper with light background without head cover, size 6x6 cm (no group pictures) No photomat pictures)
3. Police record of good conduct, in duplicate, for the past 5 years (for time spent in the US no such record necessary). The records from the last place of residence must not be older than 4 weeks at the time of presentation . Persons who are citizens in another state than Germany may receive information about their special case upon request.
4. If prior convictions exist, excerpt from the criminal records with exact info.
5. Two marriage certificates or two death certificates if one of the spouses is deceased.
6. If divorced, two divorce documents with facts.
7. Minors who want to travel alone need the notarized permission of the father or guardian. Married persons who want to travel alone need the permission of the partner who stays behind.
8. Affidavits in duplicate by the relatives who live in the USA as well as proof of their incomes and property. Affidavits are not bound by a specific form, they should be adjusted according to each individual case and should indicate the provisions the sponsor has made in order to provide for the immigrant's livelihood in the US

When sending these documents the visa applicant should also report that he has a passport, alien pass, children's pass or similar document. The passport or passport substitute should be valid for the US and may not expire before 6 months.

The visa fee for $ 10.- or its value in German marks has top be paid.

Children of whatever age for whom a visa is requested have to be presented for an examination. Children under 18 should be accompanied by by a parent or guardian, unless other arrangements have been made with the consulate. .Notarized copies or photocopies of documents in lieu of originals will be accepted.

Liste Nr. 1.
File Nr. 811.11

Amerikanisches Konsulat

Stuttgart-N
Königstraße 19a

Postanschrift: Stuttgart 1
Postfach 949

Folgende Papiere werden zur Beantragung eines Einwanderungsvisums benötigt und müssen zur vorherigen Prüfung eingeschickt werden:

1. Zwei Geburtsurkunden.
2. Vier lose Paßbilder für jede Person, auf dünnem Papier mit hellem Hintergrund ohne Kopfbedeckung Größe ca. 6×6 cm (keine Gruppenbilder). Photomatonbilder werden nicht angenommen.
3. Polizeiliche Führungszeugnisse, doppelt, für die letzten 5 Jahre (für die in den Vereinigten Staaten verbrachte Zeit werden keine Führungszeugnisse benötigt). Die Führungszeugnisse vom letzten Aufenthalt sollten bei der Vorlage nicht älter als 4 Wochen sein. Personen, die eine andere Staatsangehörigkeit als „Deutsch" besitzen, können Näheres wegen Führungszeugnisse in ihrem besonderen Fall auf Anfrage erfahren.
4. Wenn vorbestraft, Auszug aus dem Strafregister mit genauer Tatbestandsaufnahme, doppelt.
5. Zwei Heiratsurkunden oder zwei Sterbeurkunden falls einer der Ehegatten verstorben ist.
6. Wenn geschieden, 2 Ehescheidungsurteile mit Tatbestand.
7. Minderjährige, die allein reisen wollen, benötigen die beglaubigte Erlaubnis des Vaters oder Vormundes. Verheiratete, die allein reisen wollen, benötigen die beglaubigte Erlaubnis des zurückbleibenden Ehegatten.
8. Bürgschaften (Affidavits) in doppelter Ausfertigung von den in Amerika lebenden Verwandten, sowie Nachweis über deren Einkommen und Vermögen. Bürgschaften sind nicht an eine bestimmte Form gebunden, sie sollten sich nach den jeweiligen Umständen des einzelnen Falles richten und sollten die Vorkehrungen angeben, die der Bürgschaftsaussteller getroffen hat, um den Lebensunterhalt des Einwanderers in Amerika sicherzustellen.

Beim Einsenden dieser Dokumente sollte der Visumantragsteller gleichzeitig mitteilen, daß er einen Reisepaß, Fremdenpaß, Kinderausweis oder ähnliches besitzt. Der Paß oder Paßersatz sollte gültig sein für die Vereinigten Staaten und darf frühestens nach 6 Monaten ablaufen.

Die Visumgebühr von $ 10.— oder der Gegenwert in deutscher Währung ist mitzubringen.

Kinder jeglichen Alters, für die ein Visum beantragt wird, müssen zur Untersuchung mitgebracht werden. Kinder unter 18 Jahre sollten von einem der Eltern oder vom Vormund begleitet werden, sofern nicht mit dem Konsulat besondere Abmachungen in dieser Hinsicht getroffen worden sind.

Notariell beglaubigte Abschriften oder Photokopien von Urkunden werden anstelle der Originale oder Duplikate angenommen.

American Consulate, Stuttgart

Re: Immigration to the United States

The documents needed for immigration to the United States are listed on # 1. An immigration visa cannot be issued if there is the danger that the immigrant could become a burden to the US public . Therefore every applicant has to prove that his subsistance is provided for. If he has no or not sufficient wherewithal in the United States he should prove by sponsorship papers that the relatives to whom he goes are willing and able to provide for him. A specific sum is not required.

The sponsorships have to be filled out in front of a Notary Public in the US or, outside the US, at an American Consulate. They should include: Profession,, profession, income and property of the citizen (bank accounts, present value of securities, real estate, etc.) Further he should indicate for how many persons he has to care, how he is related to the immigrant, the amount of his debts and his other obligations, and to what extent and why he want s to contribute to the living expenses of the immigrant. The sponsorship must further show what measures have been taken in America in order to secure the livelihood of the immigrant. To supplement the sponsorship the citizen has to bring proof of his income and his means., for instance notarized statements of his employer about his income, and whether the employment is permanent, bank account statements about savings (the individual deposits should be evident) , as ell as tax receipts. If the citizen is independent, the extensive report of an American information agency is desirable. The sponsorship papers should not be older than 4 months upon presentation to this consulate.

The sponsor need not be an American citizen, but he has to be a legal resident. As proof he should send the completed form # 575 to this consulate via the immigration authorities. In the case of immediate family members parents, children and spouses) as well as engaged couples, form # 575 must already be at hand before a call to the consulate can take place. Form # 575 is not necessary if the concerned non-American is presently visiting here and can show a valid re-entry permit. .

An American citizen can receive preference, for his parents, his unmarried minor children and his spouse if he obtains a relationship request from the Department of Labor in Washington,D.C. (form # 633) Outside the US form # 633 can only be issued by an American consulate. All documents (with the exception of passports and visa fees) should be presented to the American consulate for prior inspection at the risk of the applicant. At the same time the applicant should inform the consulate that he is in possession of a passport or travel papers valid in the United States, valid for at least 6 months.If the submitted papers are in order (insofar as as that can be determined ahead) the call to appear will be send for the earliest date , whereupon further correspondence is unnecessary. For the summons a stamped , addressed envelope should be included. The final decision will only be made upon the personal investigation at the consulate.

An immigration visa is valid from the day of issuance for 4 months, insofar as the passport is valid for that period. Under no circumstances can the visa be extended beyond 4 months.

F 5
File Nr. 811.11

Amerikanisches Konsulat

Stuttgart-N
Königstraße 19a

Postanschrift: Stuttgart 1
Postfach 949

Betrifft: **Einwanderung in die Vereinigten Staaten.**

Die bei der Beantragung eines Einwanderungsvisums benötigten Dokumente sind auf der Liste Nr. 1 verzeichnet. Ein Einwanderungsvisum kann nicht ausgestellt werden, wenn die Gefahr besteht, daß der Einwanderer der Öffentlichkeit in Amerika zur Last fallen könnte. Deshalb muß jeder Visumantragsteller beweisen können, daß für seinen Lebensunterhalt in Amerika gesorgt ist. Wenn ihm hierzu kein oder nicht genügend Vermögen in Amerika zur Verfügung steht, sollte er durch Bürgschaftspapiere nachweisen können, daß die Verwandten, zu denen er geht, willens und in der Lage sind, für ihn zu sorgen. Eine bestimmte Vermögenssumme ist nicht vorgeschrieben.

Die Bürgschaften müssen in Amerika vor einem Notar oder außerhalb Amerikas auf einem amerikanischen Konsulat ausgestellt werden. Sie sollten enthalten: Beruf, Einkommen und Vermögen des Bürgen (Bankguthaben, augenblicklicher Wert von Wertpapieren, Grundbesitz usw.). Ferner sollte darin angegeben sein für wieviel Personen er zu sorgen hat, wie er mit dem Einwanderer verwandt ist, die Höhe seiner Schulden und seine sonstigen Verpflichtungen, sowie bis zu welchem Umfange und warum er zum Lebensunterhalt des Einwanderers beitragen will. Aus der Bürgschaft muß ferner ersichtlich sein, welche Vorkehrungen in Amerika getroffen worden sind, um den Lebensunterhalt des Einwanderers sicherzustellen. Zur Ergänzung der Bürgschaft muß der Bürge Beweise über sein Einkommen und Vermögen mitsenden z. B. notariell beglaubigte Bestätigung seines Arbeitgebers über den Verdienst, und ob es sich um eine Dauerstellung handelt, Kontoauszug der Bank über Ersparnisse (die einzelnen Einzahlungen sollten ersichtlich sein), sowie Steuerquittungen. Wenn der Bürge selbständig ist, wäre der ausführliche Bericht einer bekannten amerikanischen Auskunftei erwünscht. Die Bürgschaftspapiere sollten bei der Vorlage auf diesem Konsulat nicht älter als ca. 4 Monate sein.

Der Bürgschaftsaussteller braucht nicht amerikanischer Staatsbürger zu sein, jedoch muß er rechtmäßig im Lande ansäßig sein. Als Beweis hierfür sollte er das ausgefüllte Formular Nr. 575 durch die Einwanderungsbehörde diesem Konsulat zusenden lassen. Bei unmittelbaren Familienangehörigen (Eltern, Kindern und Ehegatten) sowie bei Verlobten muß das Formular 575 bereits hier vorliegen, bevor die Vorladung erfolgen kann. Das Formular 575 ist nicht nötig, wenn der betreffende Nicht-Amerikaner augenblicklich hier auf Besuch ist, und ein gültiges Permit to Reenter vorweisen kann.

Ein amerikanischer Staatsbürger (Staatsbürgerin) über 21 Jahre kann für seine Eltern, seine unverheirateten minderjährigen Kinder und für den Ehegatten Bevorzugung erreichen, wenn er beim Department of Labor in Washington D. C. ein Verwandtschaftsgesuch (Form 633) einreicht. Außerhalb der Vereinigten Staaten kann das Formular 633 nur bei einem amerikanischen Konsulat ausgestellt werden.

Alle Dokumente (mit Ausnahme des Reisepasses und der Visumgebühr) sollten auf Gefahr des Einsenders dem Konsulat zur vorherigen Prüfung vorgelegt werden. Gleichzeitig sollte der Visumantragsteller dem Konsulat mitteilen, daß er im Besitz eines Reisepasses oder Reisedokumentes mit Geltungsbereich Vereinigte Staaten ist, mit einer Gültigkeitsdauer von mindestens 6 Monaten. Wenn die eingereichten Papiere in Ordnung sind (soweit es sich im Voraus feststellen läßt), wird die Vorladung für den frühesten Termin zugesandt, worauf sich weitere diesbezügliche Korrespondenz erübrigt. Für die Vorladung sollte ein frankierter Umschlag mit der Adresse des Visumantragstellers beigefügt werden. Die endgültige Entscheidung wird erst bei der persönlichen Untersuchung auf diesem Konsulat gefällt.

Ein Einwanderungsvisum gilt vom Tage der Ausstellung 4 Monate, sofern der Reisepaß solange gültig ist. Über 4 Monate hinaus kann das Visum unter keinen Umständen verlängert werden.

Form DC 811.11 January 1939 American Consulate, Stuttgart.

The Consulate has received sponsorship and other documents in connection with your planned immigration to the USA. In view of the great demand for immigration visa to the SA by persons who have a lower waiting number than yours, your case shall not b e considered in the foreseeable future. It is at the moment , therefore, not appropriate to determine if the affidavit is sufficient, particularly since sponsorships and accompanying documents lose their validity within a year. You shall b e notified in time when the turn of your waiting number has come. and you will have to present the latest documents for to prove the certainty of your financial support in the USA.

Immigration visas are issued strictly according to the order in which they were received , except in cases where the immigration laws clearly establish preferences (see below). Requests for appearances out of order will not be answered.

Preference according to law is given only to the following persons:

A: Parents (not step-parents) of American citizens over 21 years.

Wives and husbands of unmarried, underaged children of American citizens.

(For these form 633 has to be filled out)

B: Wives and underaged, unmarried children whose husband, resp. father has legally immigrated to the USA and is living there. (For these, form 575 has to be filled out)

Any change of address has to be reported to the Consulate with inclusion of a stamped envelope.

Please notify you sponsor in regard to this notification.

If you have changed you domicile in a foreign country the pertinent American Consulate can request your files directly here; but only after you have submitted an international postal money order in the sum of $1.00 there.

We cannot give a notice that the papers are correct , in order to achieve entry into another country

American Consulate.

Form DC
811.11 - January 1939.

AMERICAN CONSULATE,
Stuttgart, Postschliessfach 949.

Das Konsulat erhielt Buergschaften bezw. sonstige Dokumente im Zusammenhang mit Ihrer beabsichtigten Einwanderung in die Vereinigten Staaten. In Anbetracht der grossen Nachfrage nach Einwanderungsvisen fuer die Vereinigten Staaten von Personen, die eine niedrigere Wartenummer haben als die Ihrige, wird Ihr Fall in absehbarer Zeit nicht in Bearbeitung genommen werden koennen. Es ist daher zur Zeit nicht angaengig schon jetzt zu bestimmen, ob die Buergschaften ausreichen, zumal auch im allgemeinen Buergschaften und damit im Zusammenhang stehende Dokumente nach einem Jahr ihre Gueltigkeit verlieren. Sie werden rechtzeitig benachrichtigt werden, wenn Ihre Wartenummer an die Reihe kommt, und Sie muessen dann Unterlagen neueren Datums ueber die Sicherstellung Ihres Lebensunterhalts in den Vereinigten Staaten vorlegen.

Einwanderungsvisen werden nur streng der Reihenfolge nach ausgegeben, ausser in den Faellen, wo das Einwanderungsgesetz Bevorzugung (s.u.) ausdruecklich vorsieht. Gesuche um Vorladungen ausser der Reihe werden nicht beruecksichtigt und auch nicht beantwortet.

Bevorzugung laut Gesetz geniessen nur folgende Personen:

A: Eltern (nicht Stiefeltern) von ueber 21 Jahre alten amerikanischen Staatsbuergern,
Ehefrauen und Ehemaenner und unverheiratete, minderjaehrige Kinder von amerikanischen Staatsbuergern bezw. -buergerinnen.
(Fuer diese muss Formular 633 ausgemacht werden).

B: Ehefrauen und minderjaehrige, unverheiratete Kinder, deren Ehemann bezw. Vater rechtmaessig in die Vereinigten Staaten eingewandert und dort ansaessig ist.
(Fuer diese muss Formular 575 ausgemacht werden).

Jede Adressenaenderung ist unter Beilegung eines Freikuverts dem Konsulat mitzuteilen.

Benachrichtigen Sie bitte Ihren Buergschaftsaussteller gemaess #1 dieses Schreibens.

Wenn Sie Ihren Wohnsitz ins Ausland verlegt haben, kann das zustaendige amerikanische Konsulat Ihre Akte direkt hier anfordern; jedoch erst wenn Sie einen internationalen Postkupon im Gegenwert von $1.00 dort hinterlegt haben.

Eine Bescheinigung (P.E.) dass die Papiere in Ordnung sind, um an Hand dieser die Einreise in ein anderes Land zu erreichen wird nicht gegeben.

Amerikanisches Konsulat.

Re: Visa ushering for domestic servant contract at the American Consulate, Stuttgart

The hiring contract has to be made before a Notary Public . It has to show that
1. This is not a limited employment, for instance for just a year, but a permanent job.
2. That the employee receives room and board at the house of the employer.
3. What monthly wages (in numbers) are guaranteed.

The employment contract is under no circumstances made out to a house helper, governess,tutor, etc, but has to be made specifically for a children's nurse, house maid,cook, housekeeper, etc.

The employer has to prove to the Consulate that he is able economically to fulfill the conditions promised in the contract, which can best be done by documentary proof of income, or wealth.
It is good if the applicant can prove to the Consulate with certificates and documents that she is really a domestic employee particularly if the passport lists another occupation.
Upon request for nurses of children, infants, or patients for an employment contract, it is necessary to bring proof of a state license or a diploma. A nursemaid who cannot prove a required education cannot receive a visa if the employment contract is made for a nursemaid.
Dress, appearance and behavior when appearing before the consulate has to be appropriate to the declared profession .

Betr. Visumerteilung auf Hausangestelltenvertrag
beim amer. Konsulat in Stuttgart.

Für Mädchen und Frauen, die bereit und in der Lage sind, eine Stellung als Hausangestellte (Dienstmädchen) anzunehmen, und auszufüllen, kann bei Vorlage eines Anstellungsvertrages beim amer.Konsulat ein Visum beantragt werden.

Der Anstellungsvertrag muss vor einem öffentlichen Notar ausgestellt wein. Es muss daraus hervorgehen, dass es sich

1) nicht um eine befristete Stelle, z.B. auf die Dauer eines Jahres, sondern um eine Dauerstelle handelt (permanent job),

2) dass die Angestellte Kost und Wohnung im Hause des Arbeit= gebers erhält (full board and lodging)

3) welches Monatsgehalt (in Ziffern ausgedrückt) zugesichert wird,

Der Angestelltenvertrag darf jedoch keinesfalls auf eine Hausdame, Gouvernante, Erzieherin u.s.w. lauten, sondern es muss ausdrücklich darin heissen, Kindermädchen, Hausmädchen, Köchin, Haushälterin ect.

Der Arbeitgeber muss dem Konsulat gegenüber den Beweis liefern, dass er wirtschaftlich in der Lage ist, die in dem Vertrag verspr o= chenen Bedingungen einzuhalten, was am besten durch dokumentarishen Nachweis von Einkommen und Vermögen belegt wird.

Es ist gut, wenn die Antragstellerin dem Konsulat durch Vorlage von Zeugnissen bereits innegahbater Stellungen, oder Nachweis des Besuches einer Haushaltungsschule oder sonstige glaub wür= dige Belege nachweist, dass sie in Wirklichkeit Hausangestellte oder Haustochter ist, ganz besonders wenn im Reisepass ein anderer Beruf angeben ist.

Bei Anforderung von Kinder-, Säuglings- oder Krankenschwestern auf Arbeitsvertrag ist notwendig, dass die Betreffende den Nachweis einer staatl.Prüfung oder eines Diplomes erbringt. Ein Kinder= mädchen, das keinerlei vorgeschriebene Ausbildung nachweisen kann, wird kein Visum erhalten, wenn der Arbeitsvertrag auf Kinderschwester lautet.

Kelidung, persönliches Auftreten und Verhalten, bei der Verhandlung auf dem Konsulat muss dem angegebenen Berufe entsprechen.

'COUNSEL' TO ALIENS GETS 7-YEAR TERM

Old Offender Used False Documents to Aid Immigrants

H. Ely Goldsmith, self-designated "immigration counsel" and a "sore spot to the Department of Labor for twenty years," was sentenced to seven years in prison yesterday by Federal Judge Henry W. Goddard. He was convicted a week ago of using false documents in the operation of a scheme to make legal the status of several aliens who had entered this country illegally.

Goldsmith, who had been convicted of similar offenses twice before, is 58 years old. The scheme he was convicted of operating involved the use of a legitimate rule of the Bureau of Immigration: an alien who is in this country illegally may go to some foreign port, apply for legal re-entry, and, if it is granted, return as a legitimate resident.

Goldsmith, however, assisted his "clients" to obtain false affidavits, where necessary, describing the clients as substantial and desirable residents. According to the government, he charged from $200 to $600 for his services.

Opposing a plea that the defendant be put on probation, Sylvester Pindyck, special assistant attorney general, told the court that Goldsmith had cost the government at least $100,000 in court costs and investigation expenses.

H. ELY GOLDSMITH Berater in Einwanderungs Angelegenheiten

HAUPTBUREAU: 60 East 42nd Street New York City Telegramm Adresse "BRICKTOP" Newyork
Telephone: MUrray Hill 6 - 2686

HAVANA BUREAU:

Calle 25 No.855 Havana, Cuba Tel. Adresse BRICKTOP Havana
Telephone: F.6840

BERLINER AUSKUNFTSTELLE: Frau H. LOEWE Schweidnitzerstr. 7
Berlin-Halensee Telephone 97 55 81

- -

CUBA EINREISE zwecks Amerikanischer Visa Abwartung

o h n e D e p o t H i n t e r l e g u n g

- -

Ich kann jetzt ohne Hinterlegung eines Depots eine besondere Sorte Einreise-Erlaubnis-Scheine fuer Kuba besorgen. Diese Scheine erlauben dem Emigranten solange in Kuba zu bleiben, bis er dort das amerikanische Einwanderungsvisum erhalten kann.

Die Bedingungen hierzu sind folgende:

1.) Der Emigrant muss gesund und frei von ansteckenden Krankheiten sein,
2.) Der Emigrant darf waehrend des Aufenthaltes in Kuba keinerlei Arbeit annehmen, wohl aber selbstaendig geschaeftlich taetig sein, d.h. also als Kaufmann, Pensionsinhaber, Zimmervermieter, etc.,
3.) Der Emigrant darf der Oeffentlichkeit nicht zur Last fallen.

Meine Gebuehr fuer einen solchen Erlaubnisschein ist $ 300.-- einschliesslich meiner Dienste, Kinder unter 16 Jahren die Haelfte. Diese Gebuehr ist im Voraus zu zahlen. Innerhalb von 7-10 Tagen nach Eingang der Zahlung in meinem Buero habe ich den Erlaubnisschein hier in New York und sende ihn sofort auf schnellstem Wege an den Emigranten in Europa.

Da auf den direkten Schiffen wenig Platz fuer die vielen Leute, die nach Kuba fahren, zu haben ist, ist es im allgemeinen ratsam ueber die Vereinigten Staaten zu fahren. die Hamburg-Amerika-Linie verkauft an Personen, die einen derartigen Einreise-Erlaubnisschein fuer Kuba haben, Billets bis nach New York, und ich besorge , gleichzeitig mit dem Erlaubnisschein fuer Kuba, die Fahrkarten New York - Havana. Der Preis dieser Fahrkarte betraegt fuer Erwachsene $ 40.02, fuer Kinder unter 12 Jahren $ 20.01. Diese Fahrkarte wird dem Interessenten zusammen mit der kubanischen Einreiseerlaubnis und genauen Reise-Instruktionen zugesandt.

Da die Zahlung fuer den Erlaubnisschein und das Billet New York - Havana nur in amerikanischer Waehrung angenommen werden kann, muessen Personen, die einen derartigen Erlaubnisschein haben wollen, sich mit im devisenfreien Auslande lebenden Verwandten in Verbindung setzen und diese ersuchen mir den entsprechenden Betrag zugehen zu lassen. ($ 390.02 oder $ 195.01).

Bei Ankunft in den Vereinigten Staaten wird solchen Personen gewoehnlich eine Aufenthaltserlaubnis fuer 30 Tage gewaehrt, sodass man Freunde und Verwandte hier besuchen kann. Oftmals wird diese Aufenthaltserlaubnis noch weiterhin verlaengert.

Zur Erlangung der kubanischen Einreiseerlaubnis benoetige ich nur Name, Alter und Angabe der Nationalitaet der in Frage kommenden Person. Wie betont ist auf Grund dieser Art Erlaubnisscheine keinerlei weitere Hinterlegung oder Vorzeigegeld noetig, um in Kuba zugelassen zu werden.

UEBERSENDUNG VON AMERIKANISCHEN VISA-ANTRAEGEN VON EUROPAEISCHEN LAENDERN NACH HAVANA:

Das Staats-Department hat veranlasst, dass ein in Europa bei irgendeinem dortigen Amerikanischen Konsulat eingereichter Antrag zur Erlangung eines Einwanderungsvisums nach den Vereinigten Staaten an das Amerikanische Konsulat in Havana weitergeleitet wird. Die Wartezeit verlaengert sich hierdurch jedoch nicht, da der betreffende Anwaerter das Visum in Kuba zu genau derselben Zeit erhaelt, wie er es in Europa erhalten haette; d.h. also lediglich die Akten nach Kuba transferiert werden, und die Wartenummer dieselbe bleibt.

Hellenic - Bank Trust Co
per H. Ely Goldsmith
für ... Namen & Adresse

H. ELY GOLDSMITH
IMMIGRATION CONSULTANT
60 East 42nd Street
New York City

Telephone: Murray Hill 6-2686
Cable Address: BRICKTOP, NEWYORK

Havana Office: 25 Calle No, 855
Havana Telephone: F. 6840
Cable Address: BRICKTOP, HAVANA

EVACUATION OF PERSONS FROM GERMANY, POLAND, ITALY, &c.

Arrangements can be made for immediate removal of persons from countries where aliens awaiting American Immigration Visas prefer to remove to some other country until their turn is reached in their respective quota.

I obtain a distinct type of Entrance Permit into CUBA which authorizes immediate departure for Cuba, and gives permission to stay in Cuba UNTIL AN AMERICAN IMMIGRATION VISA IS OBTAINED, under the following conditions:

1) The alien must be in good health, free from contagious disease.
2) The alien must refrain, while in Cuba, from accepting work or employment of any kind. (He may engage in a business enterprise of his own of any type such as trade, boarding house, peddling, etc.)
3) The alien must not become a public charge.

My fee for obtaining this permit is $300.00, payable in advance. Children under 16, half-price. Permits are ready at my office in from 7 to 10 days after payment, depending somewhat on weather and communication conditions.

PROCEDURE: Upon completion of arrangements for the issuance of the permit in Havana, it is airmailed to my New York Office, where a letter is prepared instructing the alien abroad to obtain a passport from his home authorities, and present the passport and permit together with a steamship ticket via New York to Miami, Florida, (which he is to purchase abroad for German currency, if possible) and a ticket from Miami, Florida, to Havana which I enclose ($11. to be paid here for the ticket) to any American Consul abroad for the issuance of a transit visa to travel through the United States. Alien is further instructed, if he is without funds to purchase the ticket to Miami abroad to communicate with me by cable so that the ticket may be paid for here.

On arrival in the United States the Immigration Service generally arranges to permit the alien a stay of 30 days, so that relatives may see their friends before departure for Cuba. Sometimes a further extension is granted on application. In some cases a surety bond may have to be posted that the alien will not stay in the United States illegally and will be supported by his relatives here during his stay.

No papers or documents of any kind except the passport and NO DEPOSIT OR BOND will be required for entrance into Cuba.

TRANSFER OF VISA APPLICATION FROM ABROAD TO HAVANA. Arrangements have been made by the State Department to instruct American Consuls abroad to forward the files containing the visa application of the aliens to the American Consulate General in Havana for the issuance THERE of the AMERICAN QUOTA VISA, when the time for issuance of same has been reached in Germany according to the waiting list established there.

H.ELY GOLDSMITH
Berater in Einwanderungs Angelegenheiten

Hauptbureau: 60 East 42nd Street, New York City
Telegramm Adresse: BRICKTOP, Newyork.

Zweigbureau: Calle 25 No.855, Habana, Cuba
Telegramm Adresse: BRICKTOP, Havana.

Post Anschrift BERLIN : Frau H. Loewe Schweidnitzerstr.7
Berlin-Halensee; Telefon 97 55 81

* *

Einreise Erlaubnis Scheine fuer Cuba mit Aufenthalts Bewilligung

bis zur Erlangung des AMERIKANISCHEN Visums

o h n e D e p o t H i n t e r l e g u n g

* *

Abbildung eines Scheines.

REPUBLICA DE CUBA
SECRETARIA DE HACIENDA
DEPARTAMENTO DE INMIGRACION

La Habana, diciembre 9 de 1938.-

Sr.

Señor:

Con vista de lo expuesto por Ud. en declaración jurada presentada el efecto en esta Oficina, este Departamento ha tenido a bien autorizar la entrada y estancia en Cuba, por el tiempo que necesite para obtener su visa y entrada en los EE.UU. u otro país cualquiera, del señor SIEGMUND FINKLER, de nacionalidad polaca, mayor de edad, siempre que el mismo no sufra enfermedad ni defecto físico alguno, no venga a dedicarse a trabajo de ninguna clase y porte el pasaporte correspondiente.-

Esta comunicación puede presentarla en la Agencia de Vapores a fín de que le sea expedido boleto de pasaje con destino a esta República, a favor del expresado señor, sin que tenga que constituir fianza alguna.-

De Ud. atentamente,

MANUEL BENITEZ GONZALEZ,
Director General de Inmigración.-

Uebersetzung.

REPUBLIK KUBA
SCHATZAMT
EINWANDERUNGSABTEILUNG

Havana, Cuba den
9. Dezember 1938

Herrn ***

Sehr geehrter Herr!

Bezugnehmend auf die von Ihnen gemachte und diesem Buero eingereichte eidesstattliche Erklaerung, hat dieses Buero die Einreise-und Aufenthaltsbewilligung fuer Kuba Herrn Siegmund Finkler, polnischer Staatsangehoeriger, volljaehrig, erteilt, und zwar fuer den Zeitraum, der notwendig ist, um sein Visum fuer die Vereinigten Staaten oder irgendein anderes Land zu erhalten; unter der Voraussetzung, dass er an keiner Krankheit oder koerperlichen Defekten leidet, dass er hier nicht arbeiten darf und dass er im Besitz des notwendigen Passes ist.

Sie koennen diese Benachrichtigung der Schiffahrtslinie vorlegen, damit dem genannten Herrn das Billet fuer die Reise nach dieser Republik verkauft werden kann, ohne dass irgendwelches weitere Depot hinterlegt werden muss.

Hochachtungsvoll

Manuel Benitez Gonzalez

Einwanderungs-Generaldirektor

- -

H. ELY GOLDSMITH Einwanderungs Berater

Hauptbureau: 60 East 42nd Street
New York City
Telegramm Adresse:
BRICKTOP Newyork.

Zweigbureau: Calle 25 No.855
Habana, Cuba
Telegramm Adresse:
BRICKTOP Habana.

Auskunftstelle
BERLIN Frau H. Loewe
Schweidnitzerstr.7
Berlin-Halensee
Telefon 97 55 81

S P E C I A L I T A E T

Cuba Einreise zwecks Visa Abwartung
OHNE DEPOT HINTERLEGUNG.

„Kein beschleunigtes Visum", erklärt das Staats-Department

Die amerikanischen Generalkonsulate in Deutschland, die, wie bekannt ist, durch die Bedrängnis der Juden im Reich mit Gesuchen um Erteilung von Einwanderungs-Sichtvermerken überhäuft wurden, erhielten seit den bekannten Vorkommnissen im Reich eine große Anzahl von weiteren Gesuchen, in denen um eine Beschleunigung in der Erteilung des Visums gebeten wurde.

Wie jedoch gestern festgestellt wurde, hat es keinen Zweck, sich wegen Beschleunigung oder Bevorzugung in der Erteilung des Einreisevisums an die Konsulate oder an behördliche Stellen in Washington zu wenden. Die Behörden vertreten vielmehr den Standpunkt, daß die Bevorzugung des einen die Benachteiligung eines anderen in gleicher Lage Befindlichen bedeuten würde. Eine bevorzugte Behandlung ist, so stellten die Behörden ausdrücklichst fest, nur in den Fällen möglich, in denen das Einwanderungsgesetz sie vorsieht.

Die amtliche Erklärung

Die Visa-Division des Staatsdepartments hat, wie wir erfahren, den Gesuchstellern mitgeteilt, daß das Staatsdepartment die Schwierigkeiten kennt, unter denen Menschen in gewissen Ländern leben, und daß es die amerikanischen Konsulate angewiesen habe, diesen Verhältnissen bestmöglich Rechnung zu tragen. Aber die Vorschrift der Einwanderungsgesetze müsse eingehalten werden, und es gehe auch nicht an, daß der Konsul Namen in der Warteliste vorrücke, zumal dies auch ungerecht gegen Tausende anderer wäre, die gleichfalls den Wunsch haben, das Visum für die Einwanderung zu erhalten. Die Visa-Division machte darauf aufmerksam, daß das Gesetz für amerikanische Bürger, die nahe Verwandte kommen lassen wollen, eine Bevorzugung zuläßt (Formular 633). Verwandte von Nichtbürgern müssen warten, bis die Reihe ordnungsmäßig an sie kommt, wurde von der Behörde betont. Die Konsulate nehmen sich, wie weiter erklärt wurde, der Gesuchsteller in jeder erdenklichen Weise an und geben ihnen rechtzeitig Nachricht, wenn sie an der Reihe sind. Die Erledigung der Fälle geschehe so rasch, wie es die Umstände erlaubten.

Ausland bietet Emigranten aus dem Reich ein Uebergangs-Asyl

Der Besitz eines gülligen Einwanderungsaffidavits für die Ver. Staaten gibt unter gewissen Bedingungen dem Inhaber die Möglichkeit, Deutschland zu verlassen und in einem anderen Lande Aufenthalt zu nehmen, bis er das Einreisevisum nach unserem Lande bekommt. Der Vorsitzende des Vereins „Immigrant Jewish War Veterans" gab diese Erklärung auf der letzten Versammlung vor mehreren hundert Personen, und seine Ausführungen wurden gestern von zuständiger Stelle bestätigt.

Der Andrang der Gesuchsteller für Visa bei den amerikanischen Konsulaten in Deutschland ist danach so groß, daß, wie man weiß, Nummern ausgegeben werden mußten, in deren Reihenfolge die Bestellung zur ärztlichen Untersuchung und zur Entgegennahme des Visums vorgenommen wird. Um den vielen Wartenden, für welche die Wartezeit in Deutschland sich auf lange Monate erstrecken würde, ein rascheres Entrinnen aus den drückenden Verhältnissen zu ermöglichen, haben sich andere Länder bereit erklärt, sogenannte „Transit-Aufenthalte" zu gestatten. In erster Linie kommt dafür, wie uns vom National Council of Jewish Women, 165 West 46. Str., erklärt wurde, England in Betracht. Bei Frankreich, Holland und der Schweiz, die ebenfalls verschiedentlich als Durchgangsländer mit Aufenthaltsmöglichkeit angegeben worden waren, sehe man bisher noch nicht ganz klar, hieß es dort, dagegen habe sich eine Reihe südamerikanischer Länder für die vorübergehende Aufnahme deutscher Flüchtlinge zur Verfügung gestellt.

Weiter wurde darüber folgendes erklärt:

Der Empfänger eines „Affidavits of Support" für die Einwanderung nach den Ver. Staaten muß Inhaber einer Rufnummer des Konsulats sein, um dort den Antrag auf Prüfung des Affidavits zu stellen, ehe er regulär zum Konsulat vorgeladen würde.

England als Beispiel

Erkennt der amerikanische Konsul das „Affidavit of Support" als gültig an, so kann der Auswanderungswillige — nehmen wir England als Beispiel — beim englischen Konsulat in Deutschland auf Grund schriftlicher Benachrichtigung des amerikanischen Konsuls durch den englischen Konsul das Visum für die Einreise und den vorübergehenden Aufenthalt in England erbitten. Die englischen Behörden machen die Erteilung der Erlaubnis von zwei Punkten abhängig: daß erstens kein Zweifel an der Weiterreise nach U.S.A. besteht; dafür gilt der Bescheid des amerikanischen Konsuls als Beweis, und daß zweitens eine Garantie dafür vorhanden ist, daß der Auswanderer bei seinem Aufenthalt in England nicht der Oeffentlichkeit zur Last fällt.

Aus diesem Grunde wird der Nachweis gefordert, daß der Auswanderer in England über eine Mindestsumme von 500 Pfund Sterling ($2500) verfügen kann, die ihm entweder von englischen Freunden oder Verwandten dort bereitgehalten oder von Persönlichkeiten im sonstigen Ausland dort bei einer Bank hinterlegt werden. Die Bankbescheinigung bezw. die Bürgschaft eines Freundes oder Verwandten in England muß dem Nachsuchenden nach der Einreiseerlaubnis beigefügt sein.

Für die südamerikanischen Länder wird die Angelegenheit in etwa der gleichen Weise gehandhabt, wird uns erklärt. Verschieden ist in der Hauptsache der Nachweis über die Möglichkeit des Unterhalts, für den diese Länder der Höhe nach verschiedene „Vorzeigegelder" für die Einreise verlangen. Anstelle des Vorzeigegeldes in bar kann natürlich auch eine Bankbescheinigung über das Verfügungsrecht über die Summe bei einer Bank treten.

Die endliche Auswanderung

Der Aufenthalt im Uebergangsland dauert so lange, bis die Nummer des Auswanderers im Register des amerikanischen Konsulats in Deutschland an der Reihe ist. Zu diesem Zeitpunkt sendet der amerikanische Konsul in Deutschland die Affidavits an seinen amerikanischen Kollegen in dem Aufenthaltsland. Der Auswanderer erhält dann dort seine Vorladung und wird in seinem Gastland zur Weiterreise nach den Ver. Staaten abgefertigt.

Wegen der rasch wechselnden Aenderungen der Einreise- und Aufenthaltsbestimmungen in den südamerikanischen Ländern, und dies gilt auch ganz besonders für Kuba, das, wie es heißt, gern als Uebergangsstation gewählt wird, ist den Auswanderern, wie uns betont wird, anzuraten, sich vor der Ausreise genau bei den zuständigen Konsulaten über die Bedingungen zu erkundigen. Nur so könne vermieden werden, daß sich unterwegs Schwierigkeiten ergeben, die sich als unüberwindlich erweisen könnten.

Es braucht auch kaum eigens betont zu werden, daß auch dieser Modus der Auswanderung an das amerikanische Quotengesetz gebunden ist, das heißt, daß die Zahl aller Einwanderer nach wie vor auf die für das Ursprungsland gesetzlich festgelegte Zahl beschränkt bleibt.

William Laurence Krieg

Vice Consul of the United States of America

AR 25538 3/11 ITEMIZED HOUSEHOLD PROPERTY 1939 ARCHIVES

The 20 pages clipped together deal with the requirements by the German Government to report and assess Jewish property prior to emigration. Every penny had to be accounted for. The instructions are detailed and rather boring.

the pages and pages of itemized household property seems to me of historical interest: what did a good upper middle class household consist of.

Your mother, as legal representative of your father, itemized every last thing, including pot holder and wash cloths. I suggest I read the list to you quickly and you make a note of items that strike you as amusing or interesting: 24 pairs ofstockings, felt hat, straw hat, cap (father) etc. What kind of underwear they had. Father had nightgowns?

F R I T Z O H M A N N , N Ü R N B E R G - A.
amtlich verpflicht. Gerichtssachverständiger beim Amtsgericht Nürnberg
Telefon 21671 Trödelmarkt 47.

Schätzungs-Protokoll

über die am 13. Januar 1939 im Auftrage
des Herrn ~~Dr~~.Alfred Jsrael Rahn und der Frau Dr.Lilly Sarah Rahn,
F ü r t h / Bay. Adolf Hitlerstrasse 26
vorgenommene Schätzung von Wäsche, Kleider, Möbel usw.

	Gegenstand:	A. Erwerbs-zeitpunkt	A. Wert RM.	B. Erwerbs-zeitpunkt	B. Wert RM.	Bemerkungen:
				N e u e r w e r b		s.1.1.3:
	Einzelaufstellung zu Pos. 22 / n.					
	Schlafzimmer Ahorn poliert:					
1	dreiteiliger Schrank					anlässlich der Verheiratung angeschafft.
2	Nachttischkommoden					
1	Frisierteil m.Spiegel					
2	Hocker					
1	Mittelbeleuchtung			1933	700.--	
2	Betten					
2	Patentmatratzen					
2	Rosshaarmatratzen Matratzen hierzu aus altem Material umgearbeitet.					
4	Kissen	1910	20.--			
2	Wolldecken	1932	10.--			
2	Daunendecken a.alten Material umgearbeitet.			"	80.--	"
2	Fusskissen a.alten Material umgearbeitet			1937	6.--	
1	Ruhesessel			1937	150.--	
1	Schlüsselkasten	1896	2.--			
1	Fahrtischchen -Tee-Wagen-	1932	8.--			
2	Nachttischlampen	"	6.--			"
1	Nachttischuhr	1925	2.--			
	Übertrag:	RM.	48.--	RM.	936.--	

Gegenstand:	A. Erwerbs- zeitpunkt	A. Wert RM.	B. Erwerbs- zeitpunkt	B. Wert RM.	Bemerkungen: Neuerwerb
Übertrage:		48.--		936.--	
1 Schlafsofa (unter Verwendung alten Materials)			1937	300.--	
2 Ventilator			1937	50.--	
Wohn-und Speisezimmer: Esche poliert/matiert.					
1 runder Tisch m. 4 Stühlen 4 leichte Sessel 1 Aufbauschrank, kombiniert für Bücher, Schreibschrankteil, Geschirrschrankteil, Schubladenteil usw. 3 Satztischchen 1 Schlafsofa (unter Verwendung alten Materials gearbeitet)			1937	1. 200.--	Ersatz für Mobiliar a.d. Jahre 1933, d.f.d.Transport und die Verwendung in USA zu gross und ungeeignet war. (Politur nach gelassen und springt etwas
1 Deckenstrahler			1937	30.--	
1 Radioapparat, Philips			1937	250.--	
1 Stehlampe	1932	8.--			
1 Tischlampe	1927	2.--			
1 Lehnsessel (1937 neu bezogen)	1921	40.--			
1 Drehplatte	1923	3.--			
1 Schreibtischuhr	1931	3.--			
1 Schreibmaschine Remington table No. 140178	1927	45.--			
Kinderzimmer:					Ersatz für alte Kinderzimmer-Möbel von 1911.
1 Kommode					
1 Schränkchen					
1 Tisch					
2 Bänke				200.--	
1 Hocker			1937		
1 Stuhl					
1 Schlafsofa					
2 Daunendecken(1937 halbseitig neu bezogen)	1905 bez.1925				
2 Fusskissen (aus altem Material gefertigt)			1937		
Übertrage:		RM. 149.--		RM. 2.966.--	

Gegenstand:		A. Erwerbs- Wert zeitpunkt RM.	B. Erwerbs- Wert zeitpunkt RM.	Bemerkungen: Neuerwerb
Überträge:		149.--	2.966.--	
2 Kissen	1910			
1 Kinderbett m. Kissen, Federbettchen Wolldecken Bettwäsche			Preis siehe Seite 2 1936	anlässlich der Geburt des Kindes
1 Mittelbeleuchtung		3.--		
1 Stehlampe			1936/37 8.--	
1 Leselampe		2.--		
1 Toilettschränkchen	1910	3.--		
Bad und Toilette:				
1 Apothekenschrank			1937 8.--	
1 Heizsonne	1928	3.--		
1 Beleuchtung	1930	1.--		
Hakenleisten			1933 1.--	
1 Treppenstuhl			1937 2.--	
1 Etagere			1937 2.--	
2 Spiegel	1929	3.--		
Küche:				
1 Tisch			1937 8.--	
3 Stühle m.Sitzkissen			1937 6.--	
1 elektr.Kocher	1928	3.--		
1 Staubsauger			1937 120.--	gegen altes Modell getauscht
Verschiedene Möbel:				
1 Liegstuhl	1925	2.--		
1 Schirmständer Liliput			1933 1.--	
1 Messinglampe	1912	10.--		
1 Nähmaschine SINGER			1937 200.--	
1 Nähständer mit Inhalt			1937 10.--	
1 Fahrtischchen			1937 8.--	
1 Klappspieltischchen			1937 5.--	
1 Holzkiste m. Blech			1937 10.--	
Übertrage:		RM. 179.--	RM.3.355.--	

Gegenstand:	A. Erwerbs-zeitpunkt	A. Wert RM.	B. Erwerbs-zeitpunkt	B. Wert RM.	Bemerkungen: Neuerwerb
Übertrage:		179.--		3.355.--	
Haushaltwäsche:					
24 Bettbezüge	1896/1932	70.--			
36 Kopfkissenbezüge		36.--			geerbt
36 Bettücher		70.--			
24 Kopfkissen			1933	25.--	anläßl.
8 Einschlagtücher			"	40.--	der Ver-heiratung
6 Nackenkissen			"	3.--	
1 Bettdecke			"	3.--	
2 Badetücher					
2 Bademäntel					
39 Frottierhandtücher			"	60.--	"
5 Badevorleger					
84 Handtücher	1896/1910	80.--			geerbt
24 kl. Gästehandtücher	"	12.--			
108 Küchenhandtücher, Wischtücher, Toilette-tücher	1896/1930				
72 Staublappen, Topflappen Spüllappen, Putztücher	"	25.--			
versch. Schranktücher und Säckchen, Fenster-leder	"				
12 Tischtücher	1896	24.--			
8 Tafeltücher	"	40.--			
57 Tischservietten	"	30.--			
12 Kaffeeservietten	"	6.--			versch. aus Resten ausgefer-tigt.
18 bunte und weisse Kaffeedecken	"	30.--			
36 versch. bunte Deckchen und Milieu	"	5.--			
2 Spitzendecken	"	4.--			
3 Unterbezüge	"	3.--			
4 Sets f. 8, 12 u. 6 Pers.	"	5.--			
84 rund und oval Tellerdeck-chen	"	3.--			
1 kl. bunter Läufer	"	1.--			
9 weisse Tischtücher	"	20.--	1933		
24 Servietten	"	20.--	"		Ausstattung
12 Kaffeeservietten	"	6.--	"		
6 Kaffeedecken	"	12.--	"		
Überträge:	RM.	681.--		RM. 3.486.--	

Gegenstand:	A. Erwerbs- Wert zeitpunkt RM.		B. Erwerbs- Wert zeitpunkt RM.	Bemerkungen: Neuerwerb
Übertrag:		681.--		3.486.--
Damen-Wäsche:				
2 Schlafröcke			1935/38	13.--
2 Korsetts			1937/38	10.--
3 Garnituren k'seide	1932	6.--		
9 " "			1936/38	60.--
4 Unterkleider, Kunstseide			"	8.--
5 Unterkleider	1931/32	5.--		
1 Untertaille)			1937	6.--
3 Büstenhalter)				
5 bunte Nachthemden			1936/38	10.--
6 weisse und bunte Nachthemden	1925/31	9.--		
5 Schlafanzüge	"	15.--		
1 Schlafanzug			1937	6.--
1 woll.Garnitur			1936	3.--
1 Makkokombination			1936	4.--
60 Taschentücher	1932	15.--		
12 Taschentücher			1936	5.--
8 bunte Schürzen			1934/37	10.--
26 P. Strümpfe			1937/38	20.--
1 Badeanzug			1935/37	3.--
Kleider-d.Fr.Rahn:				
2 Sommerkleider	1932	20.--		
4 Sommerkleider			1936/38	60.--
3 Winterkleider	1931/32	50.--		
3 Nachmittagskleider			1935/38	80.--
3 Winterkleider			"	100.--
1 beige Jackenkleid			1935	20.--
4 Kostüme			1935/37	200.--
1 schwarzer Wintermantel			1937	65.--
1 brauner Mantel			1936	25.--
1 Sportmantel			1937	30.--
1 schwarzer Sommermantel			1937	15.--
1 Pelzmantel, Wasserschwein ziemlich abgenützt	1929	80.--		
1 blauer Mantel m.Pelzfutter	1931	40.--		
Übertrag:	RM.	921.--		RM. 4.239.--

Gegenstand:	A. Erwerbs-zeitpunkt	A. Wert RM.	B. Erwerbs-zeitpunkt	B. Wert RM.	Bemerkungen: Neuerwerb
Überträge:		921.--		4.239.--	
1 Gesellschaftskleid	1932	25.--			
1 Gesellschaftskleid			1937	60.--	
1 Regenmantel			"	15.--	
17 Blusen, Kasaks, Westen			1933/38	60.--	
3 Jacken			1935/38	15.--	
2 grüne Frühjahrskleider m. Jäckchen			1933/35	30.--	
3 ~~blaue~~ Röcke	"	3.--			
2 Röcke			1936/37	8.--	
10 Pullover u. Wolljacken			1936/38	40.--	
2 Hauskleider m. Schürzen			1937	8.--	
14 P. Schuhe			ab 1933	80.--	
2 P. Schuhe	bis 1932	6.--			
3 P. Hausschuhe 2 P. Hausschuhe	"	2.--	1937	3.--	
7 Strohhüte			1933/38	10.--	
7 Winterhüte			"	25.--	
12 versch. Taschen			"	40.--	
1 Taschenmuff (aus Resten gearbeitet)			1937	5.--	
11 P. Lederhandschuhe 5 P. Wollhandschuhe			1933/38	35.--	
3 P. Sommerhandschuhe			"	6.--	
2 P. Überschuhe			1934/37	5.--	
1 Schirm	1931	2.--			
1 Knirps			1936	7.--	
Damensportkleidung	bis 1932	25.--			
1 Pelzkravatte ziemlich abgenützt	"	10.--			
Herren-Wäsche:					
12 Herrennachthemden	vor 1930	20.--			
4 Schlafanzüge	" 1932	8.--			
1 Schlafanzug			1937	3.--	
18 Hemden			"	120.--	
18 Oberhemden	1930/32	25.--	1933/35	25.--	
10 Unterhosen	"	10.--			
Übertrage:		RM. 1.057.--		RM. 4.839.--	

Gegenstand:	A. Erwerbszeitpunkt	A. Wert RM.	B. Erwerbszeitpunkt	B. Wert RM.	Bemerkungen: Neuerwerb
Übertrag:		1.057.--		4.839.--	
7 Unterhosen			1936/37	9.--	
2 seidene Schals			"	1.--	
2 seidene Taschentücher			"	1.--	
30 P. Socken	bis 1932	15.--			
18 P. "			1937	18.--	
4 P. Handschuhe			1933/37	6.--	
4 lange Unterhosen	1930	4.--			
1 roter Pullover			1935	3.--	
1 P. Sockenhalter 1 P. Hosenträger			1937	2.--	
24 Taschentücher	1928/30	6.--			
5 Polohemden			1937	9.--	
6 Herrensporthemden	1930/32	20.--			
Herren-Kleider:					
1 Schirm	1929	5.--			
1 P. Gamaschen 1 P. Gamaschen	1932	1.--	1937	1.--	
6 P. Halbschuhe			1937	25.--	
3 P. Halbschuhe			1933/36	15.--	
1 P. Gummischuhe			1935	1.--	
1 Tennishose			1936	5.--	
1 weisser Kittel			1936	5.--	
7 Anzüge			1937	850.--	
1 schwarzer Mantel	1924	15.--			
1 Garbadinmantel	1932	10.--			
1 blauer Wintermantel			1937	120.--	
1 Pelzmantel neu bezogen =	1925	75.--	= 1937	75.--	
2 Anzüge	1932	70.--			
1 Gesellschaftsanzug 1 Frackjacke			1937 "	95.--	
1 Sommermantel			"	45.--	
1 Flanellhose			"	10.--	
1 Flanellhose	"	5.--			
12 Kravatten	bis "	15.--			
Überträge:		RM. 1298.--		RM.6.135.--	

Gegenstand:	A. Erwerbs- zeitpunkt	A. Wert RM.	B. Erwerbs- zeitpunkt	B. Wert RM.	Bemerkungen: Neuerwerb
Überträge:		1.298.--		6.135.--	
20 Kravatten			1933/37	30.--	
2 Gürtel	1932	1.--			
2 Gürtel			1937	4.--	
1 Sportanzug	1932	25.--			
3 Filzhüte			1936/37	15.--	
1 Strohut			1937	3.--	
1 steifer Hut			1937	3.--	
1 Mütze			1937	1.--	
1 Filzhut			1937	2.--	
Herrensportkleidung	bis 1932	25.--			
1 Badeanzug			1935/37	3.--	
Verschiedenes:					
1 Lederschreibmappe	1929	2.--			
versch. Bastmatten, Wachstuchdecken			1934/37	3.--	
Kinder-u.Bilderbücher	1913/20	5.--			
Spielsachen		3.--			
Dreirad, Turngeräte, Puppenwagen, Roller			1937/38	3.-- 15.--	
1 Uhr	1931	1.--			
Kinderkleidung/Wäsche			1936/38	40.--	
2 Bügeleisen 1 Bügelbrett			1937	6.--	
1 Seifenschrank	1911	2.--			
1 elektr. Kocher	1928	3.--			
1 Siphon			1933	4.--	Geschenk
1 Fahrrad TRIUMPF	1925	15.--			
1 Feldstecher	vor 1900	45.--			
8 Fenster-Vorhängem.Zubehör			1933/37	40.--	
6 Fenster-Vorhänge	1929/32	15.--			
1 Toilettegarnitur f.Vorplatz	1925	3.--			
Werkzeuge	vor 1933	5.--			
3 Reisedecken	1924/27	20.--			
3 P. Skier	1930/32	15.--			
2 Tennisschläger			1935/36	6.--	
Überträge:	RM.	1.483.--		RM. 6.313.--	

Gegenstand:	A. Erwerbs-zeitpunkt	A. Wert RM.	B. Erwerbs-zeitpunkt	B. Wert RM.	Bemerkungen: Neuerwerb
Übertrage:		1.483.--		6.313.--	
1 Hängematte, Rucksack, Wanderbedarf	bis 1932	5.--			
versch.Stoffreste und Strickwolle		10.--			
1 Heizkissen			1936	3.--	
1 Gummiwärmflasche			"	1.--	
Reisegegenstände z.B. Bürsten usw.		5.--			
1 Kalender	1908	5.--			geerbt
1 Tischdecke	1932	5.--			
12 Sofakissen			1933/37	25.--	
Photoalben, Akten zur Familiengeschichte, Kollegshefte, Briefpapier, Schreibutensilien					
2 Füllhalter usw.		15.--			
ca 300 Bücher(Berufsbücher)		200.--			
1 kl.eiserne Kasette	1924	5.--			
1 Photoapparat m.Stativ Retina II			1937	150.--	
1 Ziehharmonikah	1932	40.--			Geschenk
Koffer :					
2 Handtaschen			1937	25.--	
6 alte grosse Koffer	bis "	70.--			
2 Schrankkoffer	"	50.--			
einige alte Taschen, Mappen usw.	"	15.--			
Porzellan, Kristall usw. Zinn/Messing:					
24 zinn.Teller, Platten, Schüsseln usw.	1908	100.--			geerbt
1 zinn.Chanukkaleuchter	"	5.--			
1 zinn. Waschbecken m.Wasserbehälter	"	25.--			
4 zinn. Kerzenhalter	"	6.--			
8 zinn.Salzfässchen	"	10.--			
8 zinn.Kannen, versch.Grösse	"	100.--			Geschenke
5 Bierkrüge	"	40.--			
Übertrage:	RM.	2.194.--		RM. 6.517.--	

Gegenstand:	A. Erwerbs- zeitpunkt	A. Wert RM.	B. Erwerbs- zeitpunkt	B. Wert RM.	Bemerkungen: Neuerwerb
Überträge:		2.194.--		6.517.--	
1 kupferne ovale Schale	1908	3.--			
1 " grosse Vase		1.--			
1 " kl. Väschen	"	1.--			
2 " Krüge m.Deckel	"	10.--			
2 ~~bemalte Bierkrüge~~					
1 ~~Bayaskrug~~ Fayence krug					
1 Porzellankrug altertüml.	1896/1930	75.--			
5 Elfenbeinfigürchen		30.--			
3 Elfenbeinbildchen	1908	25.--			
1 kl.Messingleuchter	"	1.--			
1 Satz Messingbecher 2 Marmoraschenbecher 12 Blumenvasen Blumenschalen Blumentopfbehälter usw. aus Keramik,Porzellan	1932	15.--			
1 Porzellan-Speiseservice f. 12 Personen m.blau goldenem Rand	1910	100.--			
1 Porzellan-Kaffeeservice f. 12 Personen m. grün/gold/rand	1912	45.--			
1 Glasservice f.12 Personen enth.Wein-Wasser-Limonaden Süsswein-Sekt-Gläser,Teller 2 Kompottschüsseln, Fingerschalen, Bowle u.Gläser, Limonadenkrug usw. ca 100 Stück.			1933	75.--	anlässlich der Verheiratung.
12 Kristallwassergläser		10.--			
24 " teller		25.--			
12 " Wasserkrug		5.--			
12 " Schalen, Schüsseln, Vasen, Döschen usw.	1896	80.--			
1 Porzellan-Mokkaservice f. 12 Personen	1921	15.--			geerbt
1 Obstservice, Keramik m. Keksdose			1933	10.--	Hochzeitgeschenk
ca 10 versch.Likörgläschen unvollständig		4.--			
1 Kuchenplatte m.vers.Rand		"		3.--	
Überträge:		RM.2.639.--		RM.6.605.--	

Gegenstand:	A. Erwerbs- Wert zeitpunkt RM.	B. Erwerbs-Wert zeitpunkt RM.	Bemerkungen: Neuerwerb
Übertrage:	2.639.--	6.605.--	
2 Kristallschalen m.versilb. Rand	1910 15.--		
5 kl. Mokkatassen	1930/32 5.--		
2 versilb.Kuchenplatten	" 8.--		
2 " Vasen	" 3.--		
2 " Schälchen	" 10.--		
12 " Untersätzchen	" 1.--		
1 " Vorspeisenplatte m. Glaseinsätzen		1933	8.--Hochzeits-
1 versilb.Leuchter		1937	5.--geschenk
1 " Serviettenhalter		1933)	1.--
1 " Mixbecher		1933)	
1 " Tunkenschüssel	1921 2.--		
3 Flaschenkorke	1896 1.--		
2 Sparkassen (Tönnchen) versilbert	" 1.--		
2 Gebäckkörbchen versilbert	1930 2.--		4.--)
6 Obstmesser		"	2.--)
6 gr. Christoflebestecke		"	10.--
6 kl. " " "	1924 5.--		
6 Perltmutterbestecke f. Kuchen	1896 15.--		
1 Metallporzellan-Kaffee-service bestehend aus: Teekanne Kaffeekanne Milchkanne Zuckerdose Tablett		"	20.--
1 Mokkaservice aus Metall-porzellan bestehend aus: Kanne Milchkanne Zuckertellerchen		1937	5.--
2 rote Tabletts m.Metallrand	1931/32 5.--		
6 bunte Kristall-Weingläser	1910 6.--		
12 Obstteller	1926 5.--		
6 Kristallrahmkännchen) 6 " buttertellerchen)	1896 " 6.--		
4 Untersätze	1928/29 2.--		
Überträge:	RM.2.731.--	RM. 6.660.--	

Gegenstand:	A. Erwerbszeitpunkt	A. Wert RM.	B. Erwerbszeitpunkt	B. Wert RM.	Bemerkungen
Übertrage:		2.731.--		6.660.--	
1 Obstabfallkorb			1933	1.--	
1 Porzellankörbchen			"	1.--	
S i l b e r :	1896/1924				geerbt
2 silb.Leuchter		100.--			
1 Sparkasse	"	1.--			
1 Körbchen vergold.	"	10.--			
3 Konfektkörbchen	"	6.--			
1 1 Blumenschale m. Gitter	"	5.--			
4 Becher	"	5.--			
4 Servietten ringe			"	2.--	
1 Blumenväschen	"	1.--			
1 Teeseiher	"	1.--			
3 Bilderrähmchen	1900/30	1.--			
1 Zigarrenabschneider	"	1.--			
6 kl.Ascher	"	3.--			
6 Mandelschälchen	"	2.--			
1 Tischglocke	"	2.--			
1 Zig.Etui	"	3.--			
2 Zigarettenetuis	1921/24	4.--			
1 Kamm	"	1.--			
1 Senfgefäss	1910	2.--			
1 Feuerzeug			1938	1.--	
1 Kinderbesteck	1913	5.--			
4 Zuckerzangen	bis 1932	4.--			
1 Gebäckschaufel	"	1.--			
1 Gebäckzange	"	1.--			geerbt
6 kl.Vorlegegabeln	"	3.--			
2 Zuckerlöffel	"	1.--			
1 Ascher m.Silberrand	"	2.--			
2 Tortenheber	"	2.--			
1 Silberkasten f.12 Pers. zweierlei Muster	1921	190.--			geerbt
1 weisses tägliches Porzellan-Esservice für 12 Personen nicht vollständig versch.einfache Gläser, Glasteller, Schüsseln	1932		1933 Preis siehe Seite 13		
Übertrage:		RM. 3.088.--		RM. 6.665.--	

Gegenstand:	A. Erwerbs-zeitpunkt	A. Wert RM.		B. Erwerbs-zeitpunkt	B. Wert RM.	Bemerkungen:
				N e u e r w e r b		
Übertrag:		3.088.--			6.665.--	
Küchenbestecke	1925					
Töpfe, Teller, Tassen, Backformen	1930/32	55.--				
Küchengeräte aller Art						
Besen, Bürsten, Blocker usw.				1933	15.--	
Seife, Wasch-und Putzmittel				1938	30.--	
Toilettenartikel:						
Medikamente, Arzneien usw.				1938/39	25.--	
B i l d e r :						
2 grosse Familienporträts	1840/1925	30.--				
2 kleine " "	1830/1860	5.--				
1 Oelbild (Landschaft v.L.Ury)				1936	15.--	Geschenk anlässlich d.Geburt des Kindes
1 Oelbild (Landschaft v. Leistikow)				"	20.--	
12 Kupferstiche u.Radierungen versch.Grösse	1921/30	20.--				
T e p p i c h e :						
2 Bettvorleger deutsch		8.--				
1 Teppich deutsch 2,50 x 3,50 m	1916	70.--				
1 Perser-Brücke 0,95 x 2,50 m	1926	175.--	X			gut erhalten
1 Perser-Brücke 1,20 x 2,00 m schwarz/rot/grün	1919	~~140~~.--	X			Erbstück
1 Perser-Brücke 1,115 x 2,25 m schwarz/rot/grün	"	135.--	X			
1 Perser-Brücke (Vorlage) 0,75 x 1,30 m blau/rot	"	55.--	X			Farbe ziemlich nachgelassen.
1 Perser-Brücke 0,75 x 1.30 m rotgrundig	"	55.--	X			" beschädigt
1 rot/schwarzer Läufer deutsch	1921	15.--				
Summe :		RM. 3.801.--			RM. 6.770.--	

A u f s t e l l u n g

zu Pos. 22 / n = allgem. Umzugsgut RM. 3.801.-- 6.770.--

A u f s t e l l u n g

Summe A = RM. 3.801.--
Summe B = " 6.770.--

RM.10.571.--

mit Worten:
Zehntausendfünfhunderteinundsiebzig Reichsmark.

Nürnberg, den 16. Januar 1939.

Fritz Neumann

On March 2, 1939, an "important notification" was issued to the Israel Cultural Community regarding an ordinance of February 21, 1939 according to which ALL JEWS have to surrender items in their possession which are made of gold, platinum, o silver, as well as precious stones and pearls, by Saturday, March 11, 1939 at the latest, in order to avoid a penalty, at a public location established by the Reich . This order does not concern Jews of foreign nationality.

(This law was established following the murder by Grynspan of v. Rath in Paris, which led to the Reichskristallnacht of Nov. 9, 1938 and was considered a "redemption payment")

After consultation with the office in Nuernberg which is responsible for the execution of this order, the following points are mde

1. Don't wait until the last minute

2. The above mentioned articles are to be surrendered with the exception of

a) personal wedding rings and rings of deceased partners. b) silver watches (wrist and pocket) c) silver tableware (4 pieces) per person: knife, fork, spoon, coffee spoon) d) silver items up to a weight of 4 g per piece and a total weight of 200 g per person e) dental protheses if in use by the person

3. To be surrendered are in particular gold items regardless of weight, for instance golden spectacles (without lenses) , dentures not in use. watches have to contain their works.

4. In the case of mixed marriages, the Jewish partner is excempted if there are children who are not classified as Jews (me, for instance) This is valid even if the marriage is no longer valid. In case of a childless marriage, the Jewish wife , if the husband is of German blood or Mischling 1st degree (like I am)/

5. The items are to be delivered in packages with name and address (not in suitcases) and including typewritten lists in 5 copies , itemized, not to forget name and address. Theselists are to be delivered simultaneously but separated from the items. The inclosed form is to be signed. Persons who own no bank account have to establish one.

6. Office hours are AM 8-11 1/2, PM 14 - 17 1/2 Saturdays 8-11 1/2

7. Emigrants who have already received the written request from their foreign exchange office regarding surrender of jewelry, gold and silver items wil have to submit the form issued by that office, filled out . This office is not involved in the surrender of tin

objects , carpets, and other objects not subject to this order under RM 1000. in value.
These objects may be sold on the ~~free~~ open market

W I C H T I G E M I T T E I L U N G
der israelitischen Kultusgemeinde Nürnberg e. V.-2.3.39.

Auf Grund der Verordnung vom 21.2.39 haben alle Juden, die in ihrem Eigentum befindlichen Gegenstände aus Gold, Platin oder Silber, sowie Edelsteine und Perlen, bei Meidung einer Bestrafung, bis
spätestens Samstag, 11. März 1939
an die vom Reich eingerichteten öffentl.Ankaufsstellen abzuliefern. Diese Vorschrift gilt nicht für Juden ausländischer Staatsangehörigkeit.

Nach Rücksprache mit dem in Nürnberg für die Ablieferung zuständigen Städt. Leihamt, Nürnberg-A, Unschlittplatz 7a, bemerken wir im einzelnen folgendes:

1.) Die Ablieferung soll nicht bis zum letzten Tag hinausgeschoben werden.
2.) Abzuliefern sind die sämtlichen obenbezeichneten Gegenstände mit Ausnahme von:
   a) die eigenen Trauringe und die des verstorbenen Ehegatten,
   b) silberne Uhren (Armband- und Taschenuhren),
   c) 2 vierteilige Bestecke pro Person (Messer,Gabel,Löffel,kl.Löffel)
   d) Silbersachen bis zum Gewicht von 40 g pro Stück und einem Gesamtgewicht von 200 g pro Person.
   e) Zahnersatz, soweit persönlicher Gebrauchsgegenstand.
3.) Abzuliefern sind also auch insbesondere Goldsachen, ohne jede Rücksicht auf Gewicht, z.B. auch goldene Brillen (ohne Gläser), nicht mehr benützte Gebisse etc. Aus Uhren dürfen die Werke nicht entfernt sein.
4.) Für Mischehen gilt folgendes: Von der Ablieferungspflicht sind befreit:
   a) der in einer Mischehe lebende jüdische Ehegatte, sofern Abkömmlinge aus der Ehe vorhanden sind und diese nicht als Juden gelten. Dies gilt auch für den Fall, dass die Ehe nicht mehr besteht.
   b) Bei kinderloser Ehe, die jüdische Ehefrau, falls der Ehemann deutschblütig oder Mischling 2. Grades ist.
5.) Die Gegenstände sind in mit Namen und Anschrift versehenen Paketen, Schachteln oder Kisten (nicht Koffer) abzuliefern und zwar mit 5fachen, tunlichst mit Schreibmaschine gefertigten Listen, in denen alle ablieferungspflichtigen Gegenstände einzeln aufzuführen sind, (Name und Anschrift auch hier nicht vergessen). Die Aufstellungen sind gleichzeitig mit den Gegenständen aber getrennt von ihnen abzugeben. Das beigegebene Formblatt ist unterzeichnet miteinzureichen. Personen, die kein Bankkonto besitzen, müssen ein solches anlegen.
6.) Die Geschäftsstunden des Städt. Leihamtes sind: Vormittag 8-11½ Uhr, Nachmittag 14-17½ Uhr, Samstag 8-11½ Uhr.
7.) Auswanderer, die von der Devisenstelle Nürnberg bereits die schriftliche Aufforderung zur Ablieferung von Schmuck, Gold- und Silbergegenständen erhalten haben, müssen das ihnen von der Devisenstelle zugegangene Formular mit dem Devisenbescheid ausgefüllt beim Städt. Leihamt mit vorlegen. Für die Abgabe von Zinnsachen, Teppichen und sonstigen nicht unter diese Verordnung fallenden Gegenstände unter RM 1000.-- Einheitswert, ist das Städt. Leihamt nicht zuständig; diese Gegenstände können im freien Verkehr verkauft werden.

An

das Leihamt der Stadt der Reichsparteitage

N ü r n b e r g.

Auf Grund der Verordnung vom 21. II. 1939 liefere ich ab:

An-zahl	Gegenstand	An-zahl	Gegenstand	An-zahl	Gegenstand

Der nach Abzug der gesetzlichen Gebühren usw. verbleibende Restbetrag soll zu meinen Gunsten auf ein Konto bei der (Devisenbank) .....

in .....einbezahlt werden.

....., den .....1939.

.....

(Unterschrift)

Wohnung: .....

Ruf-Nr. .....

Fürth i.B., den 22.2.39
Adolf Hitlerstr.26
Tel. 71586

An die
Zollfahndungsstelle
Nürnberg-O.
Sulzbacherstr.6

Betr. Vermögensaufstellung Israel Alfred Rahn,
Ihr Schreiben vom 16.ds.

Der in der Vermögensaufstellung nach dem Stande vom 1.1.1939 angegebene Betrag von 1.340.25 RM. für Schmuck und Wertgegenstände errechnete sich vorwiegend aus den von dem Herrn Sachverständigen Fritz Ohmann und dem Herrn Goldschmiedemeister R.Schmauch am 13.Januar 1939 vorgenommenen Schätzungen, welche im Original am 20.Jan. der Devisenstelle Nürnberg als Beilage zu dem Antrag auf Uebersendung des Umzugsgutes ins Ausland (U.S.A.) eingereicht wurden. Im einzelenen setzt sich dieser Betrag wie folgt zusammen:

1)	Schmuck lt. beiliegender Schätzung des Herrn Schmauch	RM. 218.25
2)	Silber lt.Schätzung des Herrn Ohmann	" 357.--
3)	Teppiche , lt.Schätzung des Herrn Ohmann	" 530.--
4)	Bilder lt.Schätzung des Herrn Ohmann	" 35.--
5)	1 Perserläufer	" 80.--
6)	1 Kelimteppich	" 50.--
7)	1 Seidenperser, beschädigt	" 25.--
8)	1 Perserteppich, stark beschädigt	" 25.--
9)	1 Bild, Landschaft	" 20.--
		RM. 1340.25

Für Pos. 1) liegt eine Originalschätzliste bei. Für die Pos. 2),3),4) ist Auszug aus der Schätzliste des Herrn Ohmann, welche in vierfacher Ausfertigung der Devisenstelle eingereicht wurde beigefügt, da ein überzähliges Original leider nicht mehr zur Verfügung steht. Die Pos.5) bis 9) wurden von sachverständiger Seite nicht taxiert, da sie nicht zur Mitnahme bestimmt sind und vor Auswanderung noch verkauft werden sollen.

i.V.

Anlagen:
Schätzliste Schmauch
Auszug aus Schätzliste Ohmann

Auszug aus der Schätzliste des Herrn Ohmann
vom 13.Jan.1939

Silber

2 silberne Leuchter	100.--	RM.
1 Sparkasse	1.--	"
1 Körbchen, vergoldet	10.--	"
3 Konfektkörbchen	6.--	"
1 Blumenschale m.Gitter	5.--	"
4 Becher	5.--	"
4 Serviettenringe	2.--	"
1 Blumenväschen	1.--	"
1 Teeseiher	1.--	"
3 Bilderrähmchen	1.--	"
1 Zigarrenabschneider	1.--	"
6 kleine Ascher	3.--	"
6 Mandelschälchen	2.--	"
1 Tischglocke	2.--	"
1 Zigarettenetui	3.--	"
1 Kamm	1.--	"
1 Senfgefäss	2.--	"
1 Feuerzeug	1.--	"
1 Kinderbesteck	5.--	"
4 Zuckerzangen	4.--	"
1 Gebäckschaufel	1.--	"
1 Gebäckzange	1.--	"
6 kl. Vorleggabeln	3.--	"
2 Zuckerlöffel	1.--	"
1 Ascherm. m.Silberrand	2.--	"
2 Tortenheber	2.--	"
1 Silberkasten f. 12 Personen, zweierlei Muster	190.--	"
2 Zig. Etuis	4.--	"
	357.--	RM.

Teppiche:

1 Perserbrücke, 0,95x 2,50 m	175.--	RM.
1 Perserbrücke, ~~x2,x~~ 1,20 x 2,00 m schwarz/rot/grün	110.--	"
1 Perserbrücke, 1,15 x 2,25 m schwarz/rot/grün	135.--	"
1 Perserbrücke (Vorlage), o,75 x 1,30 m blau/rot	55.--	"
1 Perberbrücke (Vorlage) , 0,75 x 1,30m rotgrundig	55.--	"
	530. --	RM.

Bilder:

1 Oelbild, Landschaft v. L.Ury	15.--	RM.
1 Oelbild, Landschaft v.Leistikow	20.--	"
	35.--	RM.

Zollfahndungsstelle Nürnberg

Nr.

Es wird gebeten, dieses Geschäftszeichen und den Gegenstand bei weiteren Schreiben anzugeben.

Nürnberg-O., 16. Febr. 1939

Sulzbacherstr.6
Rufnummer 52751
Schließfach
Nürnberg 2 Nr.256

An Herrn Alfred Kahn

in Fürth i Bay.
Adolf Ziegler Str. 26

Jn Jhrer Vermögensaufstellung nach dem Stande vom 1.1.1939 haben Sie für Schmuck- und Wertgegenstände den Betrag von 1.240,25 RM, für Sammlungen und Kunstgegenstände den Betrag von ..... RM eingesetzt.

Jch fordere Sie auf, fragliche Gegenstände, soweit Sie gegenwärtig noch in Jhrem Besitze sind, nach Stückzahl und Einzelwert bis spätestens 24. II. 39 anher zu melden. Dabei ist auch die Zahl der bei Jhnen lebenden Familienmitglieder anzugeben.

Soweit für die genannten Gegenstände amtliche oder fachmännische Schätzungen bereits vorliegen, sind diese für die Wertangabe maßgebend und mit vorzulegen.

Soweit Sie bereits abgegeben haben, ist Stückzahl, Einzelerlös, genaue Anschrift des Abnehmers und die Verwendung des Erlöses anzugeben.

Jm Auftrage

Gruber

Zollfahndungsstelle Nürnberg. Nürnberg-O, 4. I. 39.

An Frau Alfred Rahn

in Fürth i/B.

Adolf-Hitlerstr. 26

Anlage: Formblatt.

Ich ersuche Sie gem. § 8 Dev.Ges. vom 12.12.1938 unter Verwendung beiliegenden Formblattes Ihr Vermögen bis spätestens 20.1.1939 anher zu melden.

Gleichzeitig ist unter Angabe der Zahl der Haushaltsangehörigen und etwaiger Hausgehilfinnen eine Aufstellung der im Monatsdurchschnitt voraussichtlich erwachsenden privaten Ausgaben beizufügen.

Für etwaige durch einen Geschäftsbetrieb bedingte Ausgaben für Lohnempfänger usw. wäre eine besondere Aufstellung beizufügen.

F.A. Hofmann

Fürth i.B., den 20.1.1939
Adolf Hitlerstr.26
Tel. 71586

An die Zollfahndungsstelle
Nürnberg-O.
Sulzbacherstr.6

Betr. Vermögensaufstellung nach dem Stande vom 1.1.1939
für Herrn Israel Alfred Rahn und Familie

Als Bevollmächtigte des Herrn Israel Alfred Rahn übersende ich Ihnen in der Anlage das ausgefüllte Formblatt betr. die Vermögensaufstellung vom 1.1.1939.

Unser Haushalt besteht z.Zt. aus drei Personen, nämlich mir, meiner Kinderpflegerin und meinem Kinde, ausserdem beschäftige ich täglich eine Zugehfrau. Mein Mann befindet sich in Haft.

Unser Gesamtvermögen ist seit September 1937 seitens der Devisenstelle Nürnberg gesperrt und sämtliche Abhebungen, Zahlungen, Ueberweisungen u.s.w. zu Lasten unserer gesperrten Konten sind nur mit jeweils schriftlicher Genehmigung der Devisenstelle erfolgt. Bis zum April 1938 sind sämtliche Zahlungen aufgrund der der Devisenstelle eingereichten Originalrechnungen einzeln genehmigt worden. Von da ab bewilligte mir die Devisenstelle für privaten Gebrauch die Behebung eines Betrages von RM 500.--RM. monatlich. Da sich mein Verbrauch jedoch unter dieser Höhe gehalten hat, habe ich von dieser Bewilligung nur begrenzt Gebrauch gemacht. Der Durchschnittsverbrauch für die nächsten Monate ist schwer errechenbar, da durch die bereits eingeleitete Auswanderung einerseits erhöhte Kosten entstehen werden (Fahrkarten, Transportkosten u.s.w.), andererseits durch den ev. Verkauf von Hausrat u.s.w. noch nicht feststellbare Einnahmen zu erwarten sind.

I. Sara

Schmuck lt.Schätzung Schmaus	218.25
Silber lt.Schätzung Ohmann	357.--
Teppiche lt.Schätzung Ohmann	530.--
Bilder lt.Schätzung Ohmann	35.--
Bilder u.Tepiche Ausserdem(nicht geschätzt, da zum Verkauf vor Auswanderung bestimmt-im Auswanderungsantrag unter Sonstiges Vermögen ~~xxxxxxx~~ vermerkt)	ca. 200.--
	1340 25

Abschrift

Vermögensaufstellung

Mein, meiner Ehefrau u. meiner minderjährigen Kinder gesamtes in- u. ausländisches Vermögen
nach dem Stand vom 1.1.1939

1. Barmittel 137.— RM

2 Guthaben bei Banken, Sparkassen usw....
a.) Commerz- u. Privatbank, Fürth 31.157.86 "
b) Dresdner Bank, Fürth 142.10 "

3. Wertpapiere, .../.

4. Immobilien, .../.

5. Hypotheken, .../.

6. Geschäftsvermögen, Geschäftsanteile (mit Erläuterungen) siehe Anlage I

7. Darlehensforderungen .... ./.

8. Ansprüche aus Versicherungen .... ./-

9 Schmuck- und Wertgegenstände
Schmuck, Silber, Teppiche, Bilder 1.340.25 RM

10. Sammlungen, Kunstgegenstände ./.

11. Faherkarte der Familie nach N.S.K. 1.377.— RM

Abweichungen des Vermögens nach dem Stande vom 1.1.39 gegenüber dem auf Grund der Verordnung vom 26.4.1938 (gemeldet Ende Juni 1938) sind kurz zu erläutern.

siehe Anlage II

Die Richtigkeit und Vollständigkeit vorstehender Angaben versichere ich nach bestem Wissen und Gewissen.

Fürth, 20. Januar 1939

H. Lilli Sara Rahn
als Bevollmächtigte des Israel
Alfred Rahn.

an die
Zollfahndungsstelle

Nürnberg-O.
Sulzbacherstr.6

Anlage

zur Vermögensaufstellung nach dem Stande vom 1.1.1939 des Herrn Israel Alfred Rahn, Fürth.

I.

Wie bereits in früheren Vermögensaufstellungen- und Erklärungen dargelegt, sind sämtliche Beträge, die sich noch auf Gemeinschaftskonten Israel Alfred/ Johanna Sara Rahn bei der Commerz- und Privatbank, Fürth i.B. und bei der Dresdner Bank, Fürth i.B. befinden und die restliche Guthaben aus der Liquidation der Firma M.S.Farrnbacher o.H. , Fürth darstellen, Alleineigentum der Frau Johanna Sara Rahn, New York. Das gleiche gilt für das bei der Firma Schulte-Wissermann K.-G., Fürth befindliche Guthaben und die noch nicht eingezogenen Aussenstände, welche die genannte Nachfolgefirma lt. Vertrag vom 22.Oktober 1937 einziehen sollte. Die Auseinandersetzung zwischen den Gesellschaftern Israel Alfred Rahn und Johanna Sara Rahn der ehemaligen Firma M.S.Farrnbacher o.H. war bereits im März soweit durchgeführt, dass Herr Israel Alfred Rahn im März 1938 vollkommen abgefunden war und keinerlei Ansprüche mehr an das Firmenvermögen hatte. Die Auseinandersetzung wurde vorgenommen lt. Genehmigungsbescheiden der Devisenstelle Nürnberg Nrn C 8 a/23242, 23242 I, 23242 II, C 8 a/ 49902, 49902 I, sowie C 8 a/ 61184.

II.

Vermögen lt.Aufstellung v. 27.4.1938		Vermögen lt.Aufstellung v. 1.1.1939	
Aktiva:	65.787.71 RM.	Aktiva:	34.543.21 RM.
Passiva:	6.303.60 "	Passiva:	8.667.30 "
Reinvermögen	59.484.11 RM.	Reinvermögen	25.875.91 RM.

Differenz: 59.484.11 RM.
25.875.91 "
33.608.20 RM.

Die Differenz von 33.608.20 Rm. setzt sich wie folgt zusammen:

Steuern u.Abgaben vom 27.April bis 31.12.1938	15.127.38 RM.
Noch geschuldete Steuer- und Abgaben-Rückstände für 1937/8	8.667.30 "
Lebenunterhalt und sonstige Ausgaben vom 27.4. bis 31.12.1938	9.813.52 "
	33. 608.20 RM.

Einkommen ist, mit Ausnahme einiger hundert Reichsmark Kapitalzinsen aus Bankkonten für das Jahr 1938 keines mehr vorhanden.

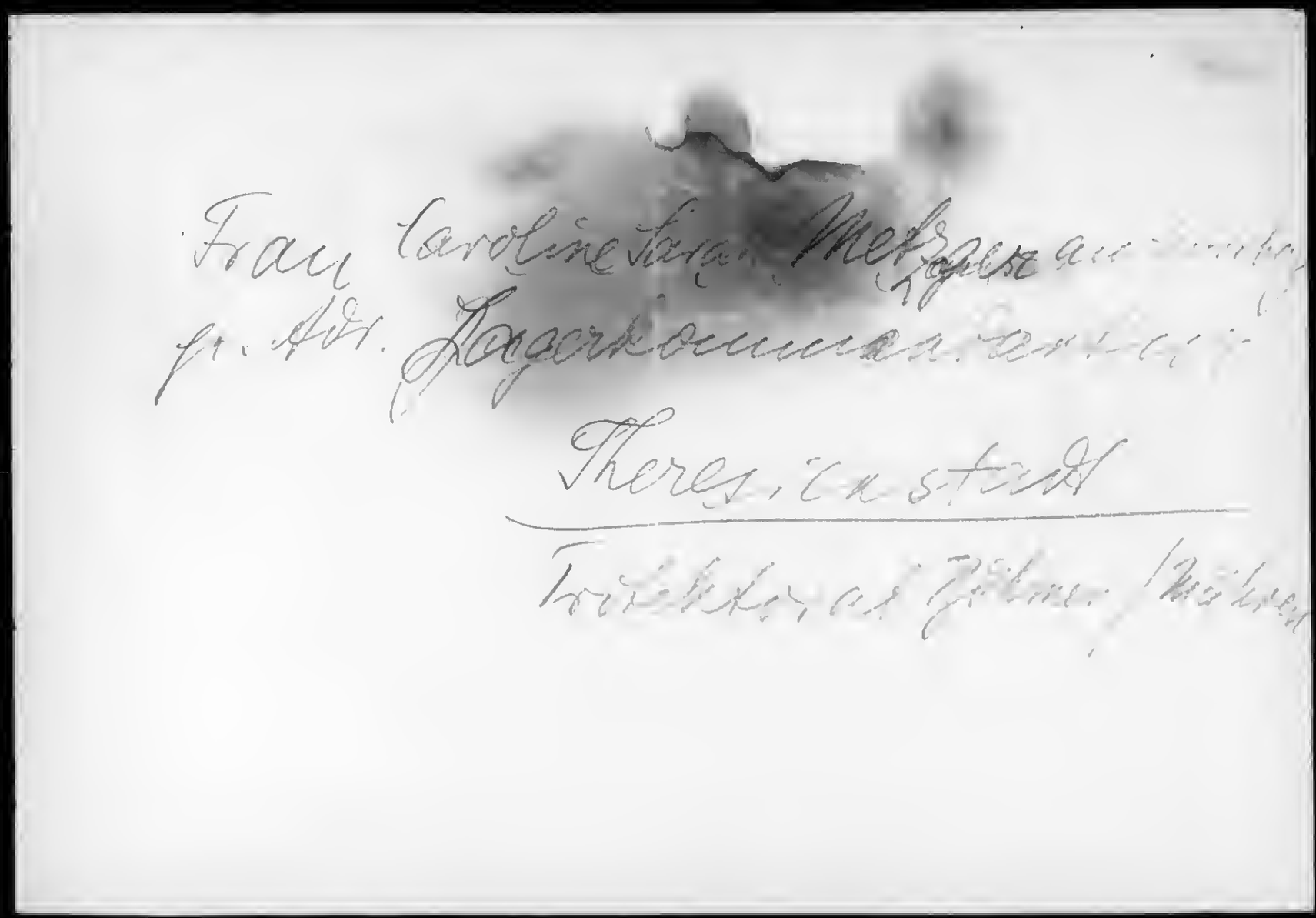
Frau Caroline Sara Metzger [illegible]

p. Adr. Lagerkommandant [illegible]

Theresienstadt

Trotektor at Zöhmen / Mähren

Intentional Second Exposure



28.3.39

An den
~~i.V.~~
Herrn Oberbürgermeister der Stadt Fürth
Städt.Steueramt
Rathaus

1 Freiumschlag

Betr. Steuer.Nr. 5191, Alfred Israel Rahn

Herrn Alfred Israel Rahn beabsichtigt sein bei der Commerz- und Privatbank, Fürth befindliches Auswandererspergguthaben zu veräussern und benötigt hierzu eine steuerliche Unbedenklichkeitsbescheinigung.

Ich bitte daher namens des Herrn Rahn demselben eine solche auszustellen und an die Commerz- und Privatbank, Fürth zu senden.

i.V.

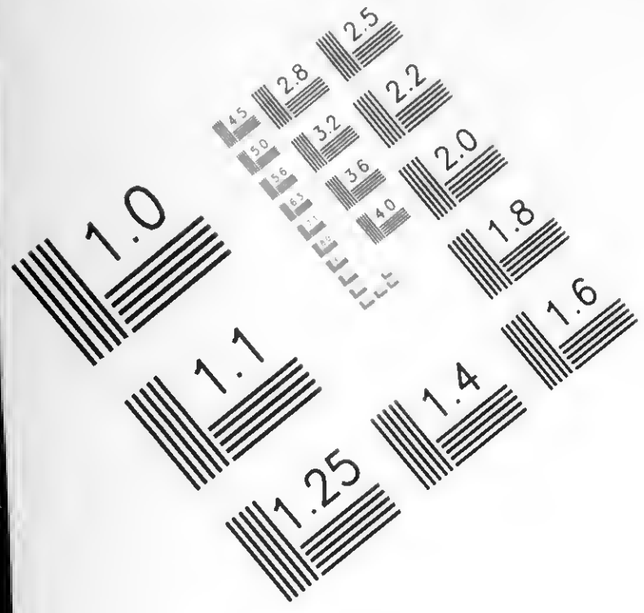
1 Freiumschlag

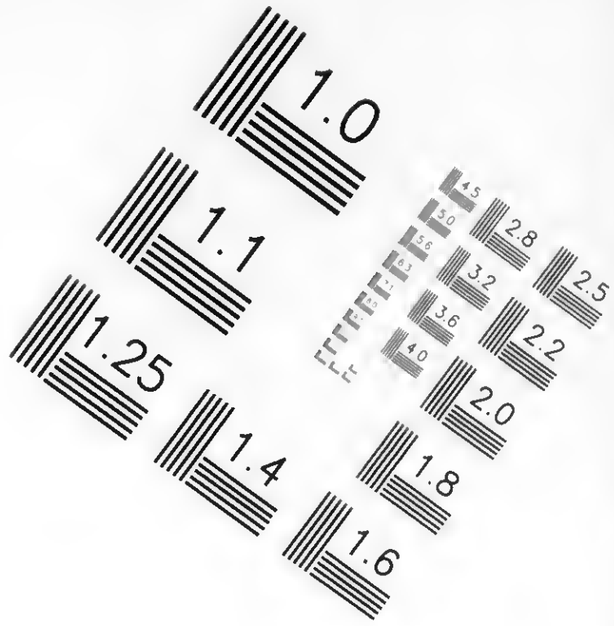
CONTINUED

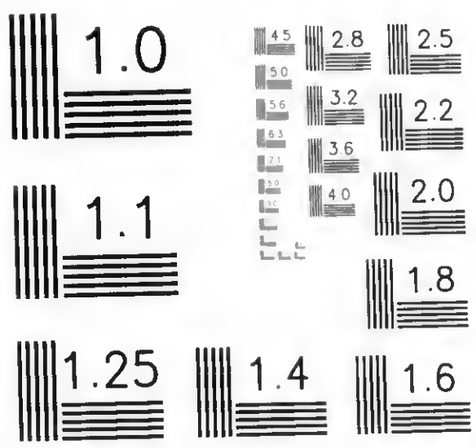
ON NEXT

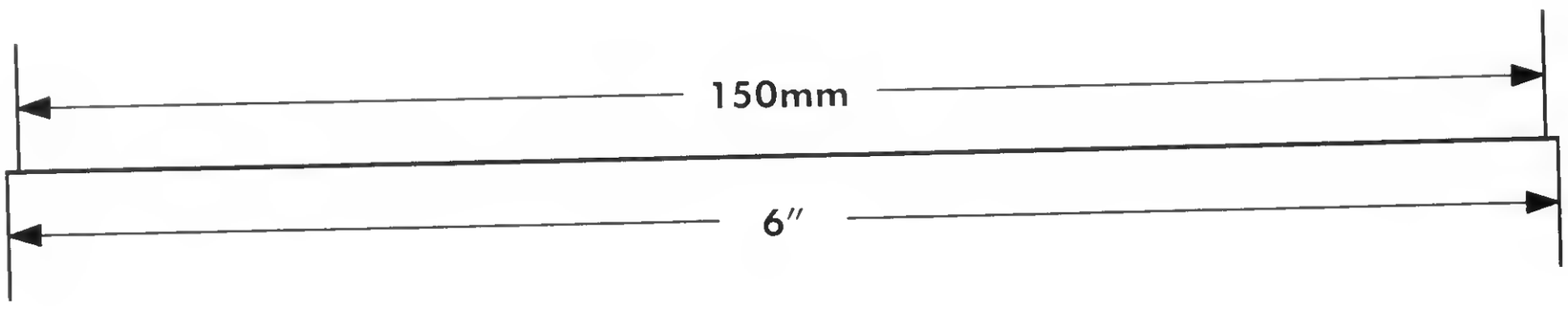
REEL

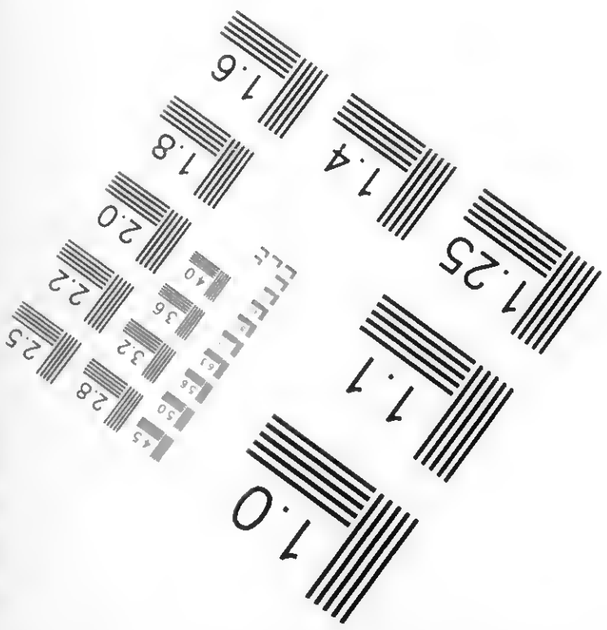
IMAGE EVALUATION
TEST TARGET (QA-3)







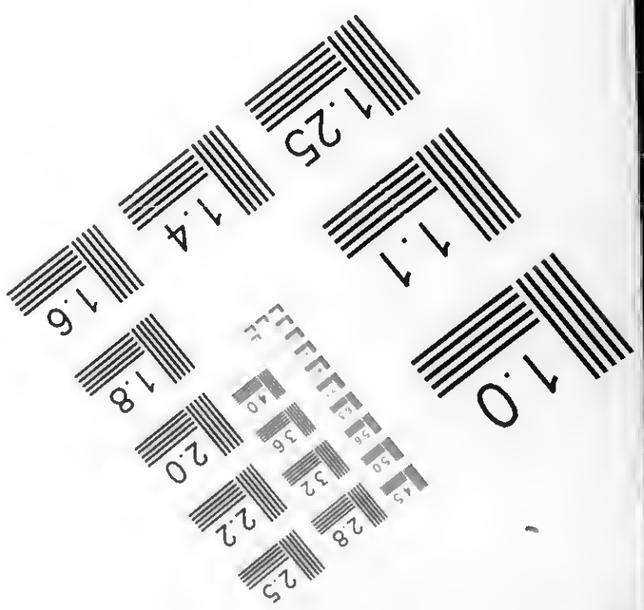




APPLIED ®
IMAGE
Group-
IMAGING

1653 East Main Street
Rochester, NY 14609 USA
Voice (585) 482-0300
Fax (585) 288-5989

© 2003, APPLIED IMAGE, Inc. All Rights Reserved Rev 1.00



END OF REEL

PLEASE REWIND